UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: CLAUDIA WALKER Appellant	)	NO. 21,147

APPELLANT'S OPENING BRIEF

(28 USC 1443)
(28 USC 1447(d)

CLAUDIA WALKER
P. O. Box 3189
San Francisco 19
California
392-0125

Appellant

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CITATIONS

CERTIFICATE

I certify that in connection with the preparation of this brief I have examined Rules 18 and 19 of the U. S. Court of Appeals for the 9th Circuit and that in my opinion the foregoing brief is in full compliance with those rules.

Dated: October 10, 1966.

CLAUDIA WALKER
Appellant

DECLARATION OF SERVICE

I have this date served personally or by mail a copy of this Appellant's Opening Brief on Judge Joseph Karesh, City Hall, San Francisco; District Attorney Ferdon, 850 Bryant Street, San Francisco; Clerk, District Court of Appeal, State Building, San Francisco; U. S. District Court, 450 Golden Gate Avenue, San Francisco.

Dated: October 10, 1966.

CLAUDIA WALKER
Appellant

> Art. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the trial by jury, of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land and should the public exigencies make it necessary for the common preservation to take any person's property, or to take his particular services, full compensation shall be made for the same and in the just preservation of rights and property it is understood and declared that no law ought ever to be made or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts or engaged bona fide and without fraud previously formed.

It is noteworthy that the specified rights are in perpetuity and have never been abrogated and therefore cannot be alienated by Congress, the Legislature, the President, the Governor, the Courts, or the Chief Justice or Federal or State Justices or Judges or public officials representative by appointment of special interests and minority groups including alien races and philosophies impelled with the idea of power-domination over ancestral Americans and the Constitution which protects their inalienable rights.

Senate Document 39, supra, presents at page 826 a discussion of Article VI, Clause 2, to-wit: the National Supremacy Clause.

Article VI, Clause 2

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

Appellant presents the following passages concerning the aforesaid discussion of the Supremacy Clause:

> This Constitution, laws and treaties of the United States are as much a part of the law of every state as its own local laws and constitution. Their obligation "is imperative upon the state judges, in their official and not merely in their private capacities. From the very nature of their judicial duties, they would be called upon to pronounce the law applicable to the case in judgment which they were not to decide merely according to the laws or constitution of the state, but according to the laws and treaties of the United States in "the supreme law of the land" (21).
>
> (21) Martin v. Hunter's Lessee, 1 Wheat 304, 335 (1816)

It is noteworthy that neither the Congress nor the California State Legislature can enact laws, and that the President and the Governor and the Federal and State Courts cannot enforce laws which are in contravention of the United States Constitution, which is the supreme law of the land and, if such laws are so made and attempted to be so enforced, the same are void.

See 92 CJS at page 1024:

The distinction between a thing void and one

voidable has been stated by Lord Bacon and is that a thing is void which was done against law at the very time of doing it, and no person is bound by such act.

Senate Document 39, supra, presents at page 716 a discussion of Article III, Section 2, Clause 1.

Article III, Section 1, Clause 1

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish.

Article III, Section 2, Clause 1

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; ...

Article III, Section 2, Clause 2

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. ...

Senate Document 39, supra, presents at page 621 the following definition:

Cases arising under the Constitution are cases which require an interpretation of the Constitution for their correct decisions. They arise when a litigant claims an actual or threatened invasion of his constitutional rights by the enforcement of some act of public authority, usually an Act of Congress or of a state legislature, and asks for judicial relief.

Appellant presents the following passage concerning the aforesaid discussion of Article III, Section 2, Clause 1:

From Osborn v. U. S. Bank (22 US 737) to Ex parte Young (209 US 123), the Supreme Court established

firmly the rule that jurisdiction exists in the federal courts to restrain the enforcement of unconstitutional state statutes and to enjoin state officials charged with the duty of enforcing state laws from bringing criminal or civil proceedings to enforce an invalid statute.

It is stated in Ex parte Young, 209 US 123:

When the question of the validity of a state statute with reference to the federal constitution has been first raised in a federal court that court has the right to decide it to the exclusion of all other courts.

The attempt of a state officer to enforce an unconstitutional statute is a proceeding without authority of, and does not affect, the state in its sovereign or governmental capacity, and is an illegal act and the officer is stripped of his official character and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to its officer immunity from responsibility to the supreme authority of the United States.

Senate Document 39, supra, at page 1046, with regard to Amendment XI concerning "what constitutes state action" cites Osborn v. U. S. Bank, supra:

...a state official possesses no official capacity when acting illegally and hence can derive no protection from an unconstitutional statute.

It was held in Fenn v. Holme, Mo. (1859) 21 How. 484, 16 L Ed 198:

In every instance in which this court has expounded the phrases "proceedings at the common law" and "proceedings in equity", with reference to the exercise of the judicial powers of the courts of the United States, they will be found to have interpreted the former as signifying the application of the definitions and principles and rules of the common law to rights and obligations essentially legal; and the latter as meaning the administration with reference to equitable as

contradistinguished from legal rights, of the equity law as defined and influenced by the Court of Chancery in England.

It was held in Root v. Lake Shore etc. R. Co.

Ill. (1882) 105 US 206, 26 L Ed 975:

The distinction of jurisdiction between law and equity is constitutional to the extent to which the 7th amendment forbids any infringement of the right of trial by jury as fixed by the common law.

It was held in Goldman v. Postal Telegraph,

DC Del. (1943) 52 F Supp 763:

Where constitutional rights are involved, it is the duty of federal courts to secure their protection even though state courts may fail to do so in analogous situations.

A brief summary of the foregoing indicates

(1) That appellant, as a lawful lineal descendant of South Carolina citizens, who ratified the Constitution, has inalienable rights as set out in the Ordinance for the Government adopted 1787;

(2) That state courts and judges are required to comply with Article VI, Clause 2, to-wit: to conform decisions made under the authority of state constitutions and laws to the civil rights guaranties accorded to ancestral Americans in the Constitution;

(3) That cases arising under the Constitution and laws, made in pursuance thereof, shall be determined by the Supreme Court;

(4) That federal courts shall restrain the enforcement of unconstitutional state statutes and shall determine the validity of state statutes with reference to the Constitution when asked to do so;

(5) That the acts of state officers in attempting to enforce unconstitutional statutes, being unlawful, are void and represent personal acts of the officer rather than the acts of the state;

(6) That in federal courts matters shall be determined with specific reference to requirements

of the common law, and with specific reference to equity, as guaranteed on both counts by the Constitution;

(7) That where constitutional rights are involved it is the duty of federal courts to secure their protection even though state courts fail to do so.

As shown by Appellant's Opening Brief, DCA 1 Civil 23371, Argument I:

THE DECEMBER 20, 1939, INTERLOCUTORY JUDGMENT IS VOID, BECAUSE THE JUDGE WAS AN EMPLOYER-PARTY OF THE MEDICAL EXAMINERS, AS DISCOVERED ON APRIL 14, 1964.

Section 170 of the Code of Civil Procedure, State of California states:

No...Judge shall sit or act as such in any action or proceeding:
1. To which he is a party; ...
4. When in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party ...
5. When it is made to appear probable that by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had by him.

There is cited the case of United RE & Trust Co. v. Barnes (1911) 159 C 242:

When statutes expressly forbid persons performing judicial functions from acting where they are interested, such interest, if subsequently shown, renders the decision void.

As shown by Exhibit "I" of said brief, an impartial court is a fundament of "due process":

Competent tribunal required. "Due process" implies a tribunal both impartial and mentally competent to afford a hearing.
Inland Steel Co. v. Nat'l Labor Rel. Bd., CCA 7, 109 F 2d 9, 20

As shown by Exhibit "I" of said brief, the certification by two physicians is devoid of "due process" elements:

> The proceeding provided for by statute for the certification by two physicians as to insanity of a person is entirely devoid of the essential elements of "due process of law".
> In re Cornell, 18 A 2d 304, 306; 111 Vt. 525

The foregoing refers to the common law "due process of law" as required by Article VI, Clause 2, and guaranteed by Amendment V and by the "due process" provisions of Amendment XIV, Section 1.

> Amendment V
>
> No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.
>
> Amendment XIV, Section 1
>
> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

(Emphasis Amend. V and XIV added)

Also, there has been denial of equal protection of the law in this case, as required by Article VI, Clause 2, and guaranteed by Amendment VI and the equal protection of law provisions of Amendment XIV, Section 1.

Amendment VI

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment XIV, Section
quoted on previous page

It was held in U. S. v. Snow, 219 F Supp 417 (1963):

> Sixth Amendment insofar as it is applicable to states through 14th Amendment, refers only to criminal prosecutions.

It was held in Denton v. Conn., Ky (1964) 383 SW 2d 681:

> Bare accusation of insanity acts is not proper basis for classification and in a lunacy inquest manner of proceeding, rules of evidence and burden of proof should be the same as those in any criminal or quasi-criminal trial.
>
> It was reversible error to admit evidence of doctors by certificate or affidavit as to mental condition of defendant in lunacy inquest.

There is attached as Exhibit "A" and incorporated by reference a published document, entitled "The Continuance of the Deprivation of Civil Rights in the

Walker Case under color of state law constitutes Conspiracy under 18 USC 241--371". The said exhibit makes reference to provisions of the Welfare & Institutions Code, State of California, which violate the "due process" and "equal protection" provisions above referred to. Sec. 5128 denominates the proceeding as "civil", in a situation where the FBI maintains "criminal identification records" as a result of the proceeding. Sec. 5050 provides for the certification by two physicians, as the basis for the judge-employer to sign the interlocutory order providing for jury trial on demand but which in any event is used as the basis for the County Clerk's Index. The designation of "civil proceeding" and issuance of the interlocutory order upon certificate signed by two court-employed physicians, and the immunity provisions of Sec. 5047 creates a classification which approves discrimination to prevent "due process trial" and "jurisdiction determination".

There is attached as Exhibit "B" and incorporated by reference quoted Welfare & Institutions Code Sec. 5047, 5050, 5128, referred to above, but not intended to be exclusive of other unconstitutional provisions. Judge Karesh said of Sec. 5050, S. F. Chronicle 7-28-66 CCCA p. 2:

> "Judge Karesh said Section 5050 of the Welfare Code is "so vague that it can be used to imprison someone without due process of law".

There is attached as Exhibit "C" and incorporated by reference a published document entitled "A Question for the Court and for Republicans", presenting facts of the Belli-Maloney situation.

There is attached as Exhibit "D" and incorporated by reference an excerpt from a copyrighted published document (Copyright Class A, Registration No. A-782176, July 14, 1965) filed as Exhibit "A" to Petition for Rehearing in 968 Misc., U. S. Supreme Court and filed in the record in 1 DCA 1 Civil 22754 and referred to in Motion to Augment Record and to Produce Additional Evidence in DCA 1 Civil 23371.

Said Exhibit "D" is presented to show that on December 20, 1939, appellant was a national bank association employee, who was employed unlawfully in interstate commerce and subject to the provisions and protections of 12 USC, all giving federal jurisdiction; and that the bank charter was forfeit for law violations under 12 USC. This naturally raises the question of violation ofstatutory duty by federal as well as state officials, with pertinent punitive penalties under federal and state laws, as to officials who permitted and failed to prosecute the law violations affecting the public interest.

Said exhibit is also presented to show that the deprivation of appellant's civil rights impaired her employment contract in contravention of Article I,

Section 10, Clause 1, United States Constitution, and that the object constituted violation under 18 USC 241 and 371.

The matter before this court is appellant's request for determination that the Superior Court issued the December 20, 1939, interlocutory order without jurisdiction and on that basis that the same was and is void, with a concomitant request for affirmative relief in the form of a nunc pro tunc order restoring appellant and her property to the situation obtaining prior to the December 20, 1939, interlocutory order, with clearance of resulting records, local and state and federal, and with nunc pro tunc vesting of property rights in California and Alabama with waiver of statutes of limitations and etc. and with immediate accrual of causes of action for losses and damages to be presented for prompt resolution by arbitration.

The situation as to the involved federal and state officials, courts and judges, constitutes wilful violation of Article VI, Clause 2, and violation of the guarantics under Amendment V, VI, and XIV, since there ensued a taking of life, liberty and property without due process of law and without just compensation by means of an unconstitutional statute, the provisions of which and the court practice concerning which constitute denial of equal protection of the law upon classification

discrimination based on denial of due process of law, and which said unconstitutional statute has been and is being used by involved federal and state officials, courts and judges, including the Department of Justice of the United States, to cover up crimes against the public interest, to-wit: the violation of the National Bank Act by Bank of America N. T. & S. A. with the full knowledge and consent of the Comptroller of the Currency whose administrative activities are subject solely to the control of the President of the United States and who in the past has had an Assistant who had served as a career-executive of said bank.

Reference to the Appendix of Appellant's Opening Brief, DCA 1 Civil 23371, will show exhibits involving violation of Constitutional guaranties, violation of Federal and California statutory law, attorneyship by a non-citizen Communist involving the factor of Federal Bureau of Investigation record-error, and raising the question of the inelligibility of Edmund Brown to be Governor of California in view of his having committed felonies against this appellant, to-wit: forgery and falsification of public records on the latter of which there is no statute of limitations for prosecution as under Penal Code Section 799, State of California.

Truly, this is a case-situation of inverse-crime,

similar to the principle of inverse-condemnation of property, where the appellant has been and is being subjected to the crime of conspiracy by involved federal and state officials, courts and judges, who are benefiting from the continuance of the crime which originated with the non-jurisdictional December 20, 1939, interlocutory order which was achieved for the purpose of preventing this appellant from being a witness to National Bank Act violations by Bank of America directors and officials, and which violations included the unlawful employment of this appellant in interstate commerce on a salary profit-earnings basis which minimized salary payments to a less than normal living standard of wages and which constituted discrimination in employment against appellant as a woman contrary to the provisions of the Fair Labor Standards Act.

The subject matter of the case requires the assertion of federal court jurisdiction. Reference is made to Walker v. Bank of America, 268 F 2d 16, and to Cohen v. Norris, 300 F 2d 24, in which it was held in the latter case that the decision of Walker v. Bank of America was reversed as to appellant's right to sue under 42 USC 1983, except for the fact that appellant did not state that the acts were under color of state law, while contradictorily in both decisions admitting that such claim was made.

It is significant to state that the matter of Walker v. Bank of America is entitled to be reasserted in view of the extrinsic fraud as shown in this proceeding, in view of the discoveries alleged as the basis for the determination of jurisdiction at this time, to-wit: the recording of the final order of June 14, 15, 1945; the forgery of Governor Edmund Brown as District Attorney of the stipulation of June 25, 1945, and the implementation of the aforesaid forgery into a court order by Judge Cronin; the court's lack of jurisdiction to enter the June 25, 1945, forged stipulation-order and the court's lack of jurisdiction to make and enter the February 1, 1946 order which is non-applicable to a denominated civil proceeding; and the falsification of the County Clerk's Index; and the violation of Government Code Section 26540 by the District Attorney, including the unauthorized removal of the February 1, 1946 order from file 18,160 and which order was replaced on appellant's motion by court order of August 19, 1966, for the purpose of supporting the record before this Court.

In the special circumstances of this case, it is pertinent to cite United States Bank vs. Northumberland Bank, 4 W. CC 108:

> The act of incorporation of the Bank of the United States gives the Circuit Courts of the United States jurisdiction of suits by and against the bank.

> This provision in the charter is warranted by the 3rd Article of the Constitution, which declares that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made or which shall be made under their authority".

This citation raises a question also as to the validity of the decision in Walker v. Bank of America on the basis of District Court dismissal under 28 USC 1348, which purports to unconstitutionally substitute state court jurisdiction for federal court jurisdiction in a situation where the federal entity, to-wit: Bank of America has by the repeated and continuing acts of National Bank Act violations forfeited its charter under Title 12 USC provisions, and which fact of itself constituted a basis for federal court jurisdiction to determine the issues.

Speaking of law violations of Bank of America, for which their charter is forfeit under 12 USC, Judge Hanley said in his footnote 16:

> If any purpose of appellees is factually asserted in these pleadings, it is the private one of furthering their own business plans and avoiding the expenditure of funds.

and, referring to the Walker case in Cohen v. Norris, Judge Hanley said:

> ...(at page 24) that the complaint contained no sufficient allegation that the act was committed under color of state law. Such an allegation is necessary to state a claim under 1983. ...

It was held in <u>US v. Buckner</u>, 108 F 2d 921, cert.

den., 60 S Ct 613, 309 US 669, 84 L Ed 1016:

> When once a connection was shown between defendant and conspiracy, evidence of earlier activities of the co-defendants tending to prove origin and existence of conspiracy was admissible against defendant.

It is clear in this case, as shown by Exhibit "D" that where appellant was on the payroll of Bank of America until January 23, 1940, the December 20, 1939, interlocutory order, the circumstances of which are told in detail in Appellant's Reply Brief, DCA 1 Civil 23371, Argument I:

> THE SUPERIOR COURT NEVER HAD JURISDICTION OVER THIS APPELLANT AT ANY TIME

impaired the obligation of appellant's employment contract with Bank of America under the provisions of 12 USC, which entitled her to the benefits of California Law and to damages under Federal Law, and that the said benefits are being withheld by the continuance of the matter under the falsified record involved in the matter before this Court.

It was held in Sanbor v. Pa. (1928) 27 F 2d 406, appeal dism. 49 S Ct 93, 278 US 572, 73 L Ed 851:

> Federal Court has "jurisdiction" to determine cause based on claim of state law impairing obligation of contract.

It is apparent from examination of Respondent's Reply Brief that it has become the practice of California Justices in the Supreme Court and the District Court of

Appeal to maintain the record status quo of unconstitutional Welfare & Institutions Code proceedings, in which due process and equal protection have been denied. Hence, the Petition for Removal was filed to assure the legal safety of this appellant's civil rights.

As pointed out by appellant in "Appellant's Application to Disqualify All Judges of the United States Court of Appeals for the Ninth Circuit and to Invoke 28 USC 291 authorizing the Chief Judge to present a Certificate of Necessity requesting the Chief Justice in his official capacity (he being disqualified also) to designate and assign Temporary Judges from other Circuits to hear this case (28 USC 455)", Judge Joseph Karesh, who denied appellant's motion on December 17, 1964 and January 14, 1965, was CCP 170 and 28 USC 455 disqualified by reason of having represented J. Edgar Hoover, Director of the Federal Bureau of Investigation in his capacity as Assistant United States Attorney at San Francisco, in San Francisco Superior Court Action No. 383580, in which Judge Karesh discovered the facts of Governor Brown's forgery and the falsification of public records which remained unknown to this appellant until December 29, 1964.

Examination of Respondent's Reply Brief, DCA 1 Civil 23371 (page 2, second paragraph) shows that the District Attorney admitted the issuance of the

Order of June 14, 15, 1945, which became final because it was not appealed and the finality of which could not be affected by Governor Brown's forged stipulation-order of June 25, 1945, purporting to set it aside:

> On June 15, 1945, after appellant had filed a motion to set aside the order of December 20, 1939, the matter was submitted and the court entered its order vacating the December 20, 1939, judgment. This was entitled "Order Setting Aside Original Commitment" and was recorded in Volume 645 at page 131 of the Judgment Book of the County Clerk of the City and County of San Francisco. Copy of this order is attached hereto marked "Exhibit B".

As shown by Appellant's Opening Brief, Argument II:

> THE JUNE 14, 15, 1945 ORDER WAS A FINAL ORDER, CONCLUDING MATTERS AT ISSUE, WHICH ANNULLED THE DECEMBER 20, 1939 INTERLOCUTORY ORDER AND VESTED CAUSES OF ACTION UNDER FEDERAL AND STATE LAW, INCLUDING WELFARE AND INSTITUTIONS CODE SECTION 5047 FOR LACK OF PROBABLE CAUSE.

It was held in Maier Brewing Co. v. Pac. Nat'l Fire Ins. Co. (1961) 194 CA 2d 494:

> There can be but one final judgment in an action and that is one that in effect ends suit in court in which it is entered and finally determines rights of parties in relation to matter in controversy.

As shown by Appellant's Opening Brief, Argument IV:

> THE COURT ERRED IN DENYING APPELLANT'S MOTION.

An outstanding authority on opening and vacating void judgments is Los Angeles v. Morgan, 105 CA 2d 726, from which the following quotations are made:

> If the invalidity of a judgment is apparent on inspection of the judgment or judgment roll, the judgment may be vacated on motion at any time after its entry. (Peo. v. Greene, 74 Cal. 400)

As the record shows, appellant filed Notice of Appeal to the District Court of Appeal, State of California, on January 14, 1965, and then secured orders from the District Court of Appeal, Division One, in 1 Civil 22754, staying proceedings pending decision by the United States Supreme Court on her Motion for Leave to File Petition for Writ of Mandate, which was filed on February 11, 1965, to compel Judge Karesh to grant appellant's motion. The action of the United States Supreme Court was sought on the basis that the original December 20, 1939, interlocutory order was void because of the CCP 170 disqualification of the Court and Judge, by reason of the fact that the Judges of the San Francisco Superior Court were employers of involved medical examiners and on the further basis that the June 14, 15, 1945, order annulling the December 20, 1939, interlocutory order granting appellant's petition based on denial of due process and equal protection under U. S. Constitution Amendment XIV was the final order in Action 18,160. However, the Motion for Leave to File the Petition was denied.

Appellant filed Petition for Removal to the United States District Court on April 27, 1966, within 8 days after the District Court of Appeal denied Motion for Advancement in DCA 1 Civil 23371 and following the denial of Application for Ex Parte Order in a situation,

where appellant is entitled to relief-on-demand under the situation of the void orders here involved. In her Petition, appellant set out the fact that in view of (1) the involved felony of Governor Edmund Brown as District Attorney in the matter of the forgery of the June 25, 1945, stipulation and falsification of public records and (2) the CCP 170 disqualification of all state judges by reason of the Court-Judge employment of medical examiners under the Welfare and Institutions Code, it was impossible for her to secure resolution of the problem, the existence and continuance of which constitutes deprivation of civil and property rights.

Appellant cited the case of Stackhouse v. Zunts, CC La. 1883, 15 F 481, 4 Woods 171, involving the removal of an appellate proceeding, in which it was held:

> A suit which really amounts to "a new case arising on new facts, although having relation to the validity of a judgment" may be removed.

In support of this contention, appellant cited her discoveries ranging over the period from May 5, 1964, to December 29, 1964, when she discovered the falsified County Clerk's Index.

Appellant in the Memorandum filed May 9, 1966, in United States District Court No. 45049 cited 28 USC 1443, which satisfies the requirement of 28 USC 1447 (d) permitting appeal from Order Denying Petition for Removal by Judge Alfonso J. Zirpoli filed May 13, 1966.

28 USC 1443

Civil Rights cases.

Any of the following civil actions, or criminal prosecutions, commenced in a state court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) against any person who is denied or cannot enforce in the courts of such state a right under any law providing for equal civil rights of citizens of the United States or of all persons within the jurisdiction thereof.

(2) for any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

28 USC 1447 (d)

An order remanding a case to the state court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the state court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.

In a situation where there has been concerted action to prevent appellant from being restored to her status prior to the issuance of the non-jurisdictional December 20, 1939 interlocutory order and where there has been concerted action to prevent her from having the benefits of the final order of June 14, 15, 1945, in San Francisco Superior Court No. 18,160, there has been requisite denial of equal protection of the law to support federal court jurisdiction.

But virtue of her inalienable rights as an ancestral American, this appellant was entitled to due

process and any judgment of any court or judge under any law in any jurisdiction in contravention of that right and in violation of the Supremacy Clause of Article VI, Clause 2, is void. The record shows that the said guaranteed due process was denied in the factor of the employer-judge, and in the factor of the setting aside of the final order by forgery to falsify the records, which constitutes crime under 18 USC 241 and 371 against this appellant and the people of the United States.

Likewise, the inability to secure hearing as to court jurisdiction under CCP 1916, which is accorded in other types of civil proceedings, by the CCP 170 disqualified Superior Court Judge and the failure to recognize the final order of June 14, 15, 1945, constitutes denial of equal protection of the law.

Since it is clear that the facts of this case will support judgment in appellant's favor by reason of extrinsic fraud factors, in Walker v. Bank of America, supra, and since one of the reasons for this action is to recover losses caused by the conspiracy of officials of Bank of America in conjunction with federal and state officials and judges, it is proper that this Court should have jurisdiction, since the conspiracy against this appellant is a National Bank Act violation under 12 USC, since the federal charter only authorizes the directors to do those acts which are in accordance with law.

The record in this case shows, as set out in Reply Brief, DCA 1 Civil 23371, Argument

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at page 11 thereof, clearly shows that there was complete denial of due process, ranging from deception to secure signing of the petition to deception in getting hold of appellant's body against her will which was tantamount to the crime of kidnapping, the issuance of void orders, and under the void orders holding appellant's body which still was tantamount to kidnapping, and then maintaining by fraud and conspiracy and crime false and frudulent records to cover up crimes at national and state levels of government and to permit criminals, to-wit: law violators, as Bank of America, to continue their crimes against the public interest in contravention of the United States Constitution and the laws enacted by Congress.

Referring back to Senate Document 39, and the citation of the Ordinance for the Government adopted July 13, 1787, appellant calls to the attention of the Court and Judges and ancestral Americans, the fact that, as stated in Art. 2 thereof, quoted on page 2 hereof, appellant was entitled to judgment by her peers or the law of the land. Appellant contends that her peers can only be those who like herself have by lawful lineal

inheritance by blood descent the vested rights as set out in the Ordinance of 1787. Appellant contends that the law of the land is the United States Constitution.

Under this analogy, appellant contends that later immigrants to the United States of America and their descendants are not her peers and that representatives of special interests and minority groups are not her peers, and not being her peers they have no right to act as Justices, Judges, or jury members to determine the matter of appellant's civil rights and the deprivation of those rights for purposes of Constitutional Law violation.

In the instant case, appellant has been subjected to Bank of America crimes perpetrated against law at the federal level by Italian leadership, and has been subjected to crimes by an Irish legislator, and has been subjected to crimes by Italian, French, Swedish and Scottish attorneys, and has been subjected to crimes by Irish and Jewish officials, and said crimes have been implemented and maintained by Holland, Irish, Negro, Italian, Jewish Judges, it being believed by appellant that all of them are probably first-generation Americans whose interests in their opinion are best served by developing power for minority groups at the expense of ancestral Americans. Such an interest constitutes CCP 170 and 28 USC 455 disqualification. Such is the interest

that is responsible for the continuance of this case as shown by Exhibit "A". And such is the interest that has been responsible for the unconstitutional discrimination as practiced by the United States Supreme Court in accordance with statutes purporting to establish discretionary choice of cases and which has no basis of authorization as to the Constitutional Rights of ancestral Americans under the provisions of the United States Constitution.

The asserted discrimination against this appellant as an ancestral American and as a member of the group of ancestral Americans, constitutes denial of equal protection of law which

(1) mandates Supreme Court of the United States jurisdiction; and

(2) permits Congressional Court jurisdiction as in this Court.

II

STATEMENT OF THE CASE

The CCP 1916 Motion (JR 29) -- requiring a showing of extrinsic fraud, a good defense, and freedom from negligence or fault -- to set aside an interlocutory order secured by denial of due process, and requesting affirmative relief, to-wit: clearance of all records at local, state and federal levels, nunc pro tunc restoration of all rights in California and Alabama, immediate accrual of causes of action with claims to be arbitrated, was presented by appellant to and denied arbitrarily by the Superior Court. (See Exhibit "F" to this Brief).

The motion was based on the following discoveries (JR 76, 79, 83, 108; Appellant's Opening Brief, p. 7, Exhibit "K"):

May 5, 1964	File 18,160 was not destroyed
May 10, 1964	February 1, 1946, order not recorded
July 15, 1964	Attorney Andersen did not sign stipulation
December 29, 1964	County Clerk's Index falsified

Four court orders are involved, the December 20, 1939, interlocutory order (JR 10), the June 14, 15, 1945, final order (JR 21), the June 25, 1945, forged stipulation-order (JR 22), the February 1, 1946, expungement order

(JR 27 and Exhibit "E" this Brief). There was introduced as a part of the extensive evidence to support appellant's motion for Exhibit "E", the following minute order, of which this Court may take judicial notice of the fact that the file was sealed and the record closed by the February 1, 1946, order, to-wit:

> Minute Book Volume _____ page 141, April 17, 1946. In re Claudia Walker, an alleged incompetent, No. 18,160. In this action, the court ordered the County Clerk to issue two certified and one exemplified copy of an order of court in the above entitled cause, made and entered February 1st, 1946.

The court may also take judicial notice of the fact that the February 1, 1946, order was the basis of a payment to appellant of $1,440.00 by the State Board of Control in 1949 (JR 76, 79, 83, 108, Appellants Opening Brief Exhibit "K", Appellants Reply Brief Exhibit "B")

There is also involved the County Clerk's Index (JR 28), which shows the June 25, 1945, forged stipulation-order as the final order in 18,160, which is intended to establish that the December 20, 1939, interlocutory order was valid when in fact and law the court had no jurisdiction to make it.

The required showing (JR 66-7) of extrinsic fraud, to-wit: appellant was on the payroll of Bank of National Trust & Savings Association until January 23, 1940, being unlawfully employed by the federal chartered bank in interstate commerce and entitled to up to

$6,000.00 in Workmens Compensation benefits, which were fraudulently concealed (See Walker v. Bank of America, 268 F 2d 16) (JR 32-3, 37), which precluded a transfer-commitment because of "lack of funds" (JR 42), and was a prospective witness to the bank's National Bank Act violations then under investigation by the Securities & Exchange Commission, and the object of the commitment was to prevent appellant from being such a witness, which was a violation under 18 USC 371; a good defence, to-wit: a letter by Attorney Belli (JR 40-1 wherein he falsely stated he served as attorney and admitted that he instigated the action because appellant consulted him about suing a politician (See Exhibit "C" this Brief), and the interlocutory Judgment (JR 10) shows he served as a witness against appellant after appellant asked him to be her attorney (JR 13-5); and freedom from negligence or fault, to-wit: Appellant's Reply Brief, pages 11-22, shows conclusively that due process was completely denied by reason of which the court never acquired jurisdiction over this appellant (See Exhibit "A" of this Brief) was made in the documents presented to the court.

On April 14, 1964 (See Appellant's Opening Brief, Exhibit "J"), appellant was informed through the Chief Administrative Officer of San Francisco that the

medical examiners were the employees of the San Francisco Superior Court, raising the CCP 170 disqualification issue in law, as set out in the opening brief at page 10. The interlocutory judgment (JR 10) shows that the judge signed the order prepared in the hand of one of the medical examiners after the issuance of a certificate by the medical examiners.

Since the letter from the Chief Administrative Officer of San Francisco as to the employment of the medical examiners by the San Francisco Superior Court Judges constituted the latest discovery of denial of due process, appellant presented this as her first argument in the opening brief, page 10.

Since the December 20, 1939, judgment was an interlocutory order and since the June 14, 15, 1945, order was regularly made on a review of the jurisdictional facts, to-wit: the denial of due process, appellant presented the argument that the June 14, 15, 1945, order was the final order in the proceeding (a court having jurisdiction to vacate its void orders, to-wit: the December 20, 1939 interlocutory order) and the court had no jurisdiction to implement the June 25, 1945, forged stipulation into a court order or to make the February 1, 1946 order. Appellant presented this as her second argument in the opening brief at page 11.

Appellant in her Argument III in the opening brief at page 12 showed that Attorney Andersen was not authorized in law to negate the June 14, 15, 1945, order and that it was a forgery, since he did not sign it. Appellant also showed that the February 1, 1946, order was Penal Code Section 1203.4 non-applicable to a civil proceeding.

Appellant in her Argument IV cited the case of Los Angeles v. Morgan, 105 CA 2d 726, showing that where want of jurisdiction appears on the face of the judgment or is shown by evidence aliunde, in either case the judgment is for all purposes a nullity and that if its invalidity is apparent it may be vacated on motion at any time after entry.

As shown by Exhibit "F" to this Brief (Reporter's Transcript, December 17, 1964 and January 14, 1965) the trial court stated that it had no jurisdiction to set aside the order. The transcript shows that there was no appearance by the District Attorney, who was served (JR 31, 69). The augmenting of the record by this transcript was approved by the District Court of Appeal on April 19, 1966.

Appellant's Opening Brief was filed February 1, 1966. The law is conclusive under the state of facts and appellant was entitled to immediate relief under

the arguments presented in her opening brief. Under Rule 17(b) appellant was entitled to decision on her brief alone. The District Attorney deliberately delayed filing for two months without any reasonable excuse and presented a brief pleading laches and showing that it is the practice of the State Supreme Court and the District Courts of Appeal in California to refuse relief from Welfare & Institutions Code proceedings on a claim of denial of constitutional due process.

Appellant's Reply Brief showed that the Respondent's Brief was unlawful under Government Code Section 26540 which prohibits the District Attorney from making defense of a crime, to-wit: forgery and falsification of public records as here involved, the latter carrying no statute of limitations under Penal Code Section 799 and being a disqualification of Edmund Brown to serve as Governor of California. Additionally, appellant presented record-proof of denial of due process (pages 11-22) and proof that the June 25, 1945 stipulation was a forgery (pages 23-29) and showed that the District Attorney is estopped to plead conclusive presumption and laches (pages 5-11)

The Court is asked to take judicial notice that the publication of documents in the Respondents Brief constitute contempt of the February 1, 1946, order

if it were valid in law, and appellant concludes that it was for this reason that the District Attorney removed it from the file and to support his false contention that the file was not sealed and that appellant was guilty of laches. It was to counteract this that appellant secured an Order (CCP 1953.02) which is Exhibit "E" to this Brief.

It is to be noted also, in view of the CCP 170 court-judge disqualification factor here involved, that in addition to Welfare & Institutions Code Section 5047 providing that the district attorney shall prepare the petition, (See Exhibit "B" page 1, this Brief) Government Code Section 26524 provides:

> Appearing for and representing court, judge, or constable. Upon request of any judge of the superior, municipal or justice court or constable, the district attorney shall appear for and represent the court or judge or constable if the court or judge or constable in his official capacity is a party defendant in any action.

It would appear that the forgery and falsification and unauthorized taking of documents has been induced as protective measures for the benefit of the court as well as the district attorney in this case. Such a situation constitutes complete disqualification for interest under CCP 170 and 28 USC 455.

In view of appellant's personal financial situation, based on 26 years of continuing losses,

including, rights, property, inheritances, age factors, prejudice, all caused by the records and the financial losses, appellant filed motion in the District Court of Appeal based on Los Angeles v. Morgan, supra, for advancement and to augment the record, which were heard on April 19, 1966. The motion for advancement was denied and the motion to augment was granted only as to the Reporter's Transcript (Exhibit "F" this Brief). Appellant then filed a motion for an ex parte order which the court denied.

On April 28, 1966, appellant filed a Petition for Removal to the United States District Court, Action No. 45049, with an Affidavit of Prejudice and requested the appointment of judges outside of the State of California.

In the Petition for Removal, it was stated that the falsified record constitutes a hazard to appellant's life, property and her capacity to earn a living and her right to make recoveries against Bank of America under her employment contract under 12 USC which was protected by Article I, Section 10, Clause 1 of the United States Constitution. Appellant pleaded:

> The right to earn a living is a federally protected right and one of the objects of appellant's political campaign is to place herself in a situation where she can best use her personal abilities, knowledge and experience for the public good, and for which she would receive payment for services.

In her Memorandum filed May 9, 1966, appellant cited 28 USC 1443 and 42 USC 1983 (Walker v. Bank of America, 268 F 2d 16; Cohen v. Norris, 300 F 2d 24) since the within discoveries of extrinsic fraud will permit the reopening of Walker v. Bank of America, since the record clearly shows that the acts have been done under color of state law, which is the object of the falsified County Clerk's Index to deprive this appellant of her civil rights and property contra 18 USC 241 and 371, the latter involving appellant's capacity as a witness to Bank of America's National Bank Act violations which is a 12 USC basis for the forfeiture of its charter if the Comptroller of the Currency were complying with the law under the direction of the President.

28 USC 1447(d) authorizes review by appeal in this Court of Appeals.

Attention is called to Appellant's Application to Disqualify all Judges etc., lodged herein on September 31, 1966.

III

ERRORS URGED

1. The law and motion Court erred in denying appellant's motion under CCP 1916.

2. The District Court of Appeal erred in denying motion for advancement.

3. All California Superior Court Judges, past or present, whether on state or federal benches are CCP 170 disqualified for interest by reason of being employers of medical examiners under the Welfare & Institutions Code.

4. As an ancestral American, appellant's vested rights, as stated in the Ordinance of 1787, are protected by the United States Constitution by Art. VI, Cl. 2, and Amend. V, VI, XIV., Sec. 1, and cannot be alienated except by her peers or the law of the land - her peers being only those jurists who have the same vested rights by reason of the same ancestry and the law of the land being the U. S. Constitution.

5. As an ancestral American, whose vested rights as aforesaid, have been transgressed by the State of California and its agents in collusion with the directors of the federally chartered Bank of America, by means of the unconstitutional statute, to-wit: Sec. 5047, 5050, 5128 (Exh. "B" this Brief) of the Welfare & Institutions Code, to effect criminal conspiracy as per 18 USC 241 and 371, appellant is entitled to determination in the U. S. Supreme Court., under Art. III, Sec. 1. Cl. 1, Sec. 2, Cl. 1 and 2.

6. The practice of California Courts in cases where due process has been denied (See Exh. "F" this Brief and Respondents Brief,) in proceedings under Welfare & Institutions Code, is in violation of Article VI, and constitutes denial of equal protection under Amendments V, VI, XIV., Sec. 1 - and constitutes a valid reason to petition for removal to the federal forum.

7. Sec. 5047, 5050, 5128, Exhibit "B" this Brief, are unconstitutional, as aforesaid.

IV

ARGUMENT

1. The law and motion court had power and the duty to determine jurisdiction under CCP 1916, and the law of the case is conclusive and relief to appellant was immediately available.

> The issue of jurisdiction of a trial court may be raised at any time or place where the lack of jurisdiction appears.
> Schuler-Knox v. Smith, 62 CA 2d 86, 144 P 2d 47

> CCP 1916. Manner of impeaching record. Any judicial record may be impeached by evidence of a want of jurisdiction in the court or judicial officer, or collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings.

Appellant made the requisite showing of extrinsic fraud, a good defense, and freedom from negligence or fault.

The April 14, 1964 letter from the Chief Administrative Officer (Appellants Opening Brief, Exh. "J") advising that the medical examiners were employees of the Judges of the San Francisco Superior Court is conclusive of CCP 170 disqualification for interest.

An impartial court is a substantial right of due process as held in Inland Steel Co. v. Nat'l Labor Rel. Bd. CCA 7, 109 F 2d 9, 20; and the certificate by two physicians is devoid of due process elements as

held in In Re Cornell, 18 A 2d 304, 306, 111 Vt. 525, both quoted in Appendix "I" to the Opening Brief.

As shown in this brief at page9, it was held in Denton v. Conn., Ky (1964) 383 SW 2d 681:

> Bare accusation of insanity acts is not proper basis for classification and in a lunacy inquest manner of proceeding, rules of evidence and burden of proof should be the same as those in any criminal or quasi-criminal trial.
>
> It was reversible error to admit evidence of doctors by certificate or affidavit as to mental condition of defendant in lunacy inquest.

The following case is conclusive as to this case:

> When statutes expressy forbid persons performing judicial functions from acting where they are interested, such interest, if subsequently shown, renders the decision void.
> United RE & Tr. Co. v. Barnes (1911), 159 C 242

The December 20, 1939 order being an interlocutory order, the June 14, 15, 1945, order was a final order and was not appealed. This statement is supported by the following cases:

> Where anything in nature of judicial action is necessary to final determination of rights of parties, judgment is interlocutory.
> Scarbery v. Patch (1959) 170 CA 2d 368
>
> If unsuccessful party to action...has been prevented from fully participating therein, there has been no true adversary proceeding and judgment is open to attack at any time.
> Rogers v. Mulkey (1944) 63 CA 2d 567
>
> There can be but one final judgment in an action and that is one that in effect ends suit in court in which it is entered and finally determines rights of parties in relation to matter in controversy.
> Maier Brewing Co. v. Pac. Nat. Fire Ins. Co. (1961) 194 CA 2d 494

The above arguments have been set out in Appellant's Opening Brief in Arguments I and II at pages 10 and 11 Exhibits "J" and "I" therein referred to.

It can be seen that the June 25, 1945, stipulation was not signed by appellant's attorney but by the deputy District Attorney (JR 22) and is a forgery (Appellant's Opening Brief Exhibit "G"). The name of Anderson is misspelled, and his representative told appellant he did not sign it.

> It is a well settled rule of law that "the implied authority of an attorney ordinarily does not extend to doing of acts which will result in the surrender or giving up any substantial right of the client... (7 CJS 897)
> Redsted v. Weiss, 71 CA 2d 660, 663

> A forged deed is an absolute nullity and imparts when recorded no notice to anyone.
> Heley v. Collins, 41 C 663

Reference to Welfare & Institutions Code Sec. 5155 "Penal Code and other laws unaffected" shows that Penal Code Section 1203.4 was non-applicable:

> Law must be applied as it is written and it cannot be extended by judicial interpretation.
> Chapman v. Aggele (1941) 47 CA 2d 848

Again, the following case is conclusive:

> An order setting aside the order vacating the judgment would in effect be a reversal of an adjudicated issue...In Holton v. Greif, 144 Cal. 521, 524, the Court said: "The decisions of this court are numerous and uniform to the effect that a judgment or order once regularly entered can be reviewed and set aside only in the modes prescribed by statute..."
> Fallon v. Superior Court, 33 CA 2d 48

The above are cited at page 12, Opening Brief.

Again as shown, Los Angeles v. Morgan, is conclusive in this case (105 CA 2d 726):

> If the invalidity of a judgment is apparent on inspection of the judgment or judgment roll, the judgment may be vacated on motion at any time after its entry. (Peo. v. Greene, 74 Cal. 400)
>
> Whether the want of jurisdiction appears on the face of the judgment or is shown by evidence aliunde, in either case the judgment is for all purposes a nullity - past, present and future. (Hill v. City Cab etc. Co., 79 C 188). Nothing can be acquired or lost by it, it neither bestows nor extinguishes any right...it neither binds nor bars anyone. All acts performed under it and all claims flowing out of it are void...No action upon the part of the plaintiff, no inaction upon the part of the defendant, no resulting equity in the hands of third persons, no power residing in any legislative or other department of government can invest it with any of the elements of power or of vitality. (1 Freeman on Judgments, 5th ed., Sec. 322 pp. 643-644)

Hence, the Court erred. The error was deliberate, as shown in Exhibit "F" to this brief, being a refusal to apply the law. The reason is obvious. Judge Joseph Karesh as all other Judges of Superior Courts in California is CCP 170 disqualified for interest, and in his case he is disqualified under 28 USC 455 having been an Assistant United States Attorney representing J. E. Hoover, Director of the Federal Bureau of Investigation, named as a defendnat in San Francisco Superior Court Action No. 383580. His prejudice is shown in his comments concerning the Governor and involved parties Belli and Maloney, and his attempts to bemean this appellant as to writing letters.

2. Under the law of the case, which was obvious, it was incumbent upon the District Court of Appeal to advance the hearing, in view of the seriousness of the matter to this appellant's welfare, in a situation involving the crime of forgery and falsification of public records constituting a hazard to appellant's civil and property rights as alleged and shown in the record before the Court. The Respondent's Brief shows that the District Attorney on page 2 admitted the fact of the June 14, 15, 1945, order. Also, the brief shows that the District Attorney made no defense to the CCP 170 disqualification issue or to any of the contentions in law advocated above, which are conclusive of the law of the case. Since the matter was one to be settled on motion on application of the appellant, appellant was entitled to immediate hearing for the protection of her civil and property rights, when the court was on notice that she was in jeopardy because of the continuance of the situation. When the court failed to act as requested by appellant, she had a right to removal to the federal forum, in a situation where the case-history and this refusal to advance and where the District Attorney presented a brief showing cases in which relief was denied under Welfare & Institutions Cases where judgment had been issued in a situation where due process was denied.

The obvious conclusion is the CCP 170

disqualification for interest as applicable to past and present Superior Court Judges, the Justices of Division III having been so involved as employers of medical examiners under the Welfare & Institutions Code, and further as set out in Appellant's Application To Disqualify All Judges, etc., particularly Section II thereof entitled "The Court-Judge Disqualification Factor extends to Justices of the California District Court of Appeal" which is incorporated herein by reference.

Appellant points out that she did not ask Governor Edmund Brown, as District Attorney, to commit a crime but demanded that he clear the record, and she had no knowledge of the fact that he was associated with minority groups whose interests are contrary to those of this appellant in the national scene, to-wit: he is opposed to the interests of ancestral Americans as this appellant.

3. The issue of CCP 170 Court-Judge disqualification is embraced in Argument I, Opening Brief, page 10, and hereinabove, as well as in Appellant's Application to Disqualify all Judges as etc. as hereinabove referred to, which is incorporated by reference.

4. Appellant's ancestral rights are set out at pages 1-2 of this Brief in provisions of the Ordinance

of 1787 and in Exhibit "L" of the Opening Brief. Article VI, Clause 2 is cited at page 3, Amendment V is cited at page 8, with Amendment XIV, Section 1, and Amendment VI is cited at page 9.

5. Appellant's ancestral rights under Article III are set out at page 4.

6. The Respondents Brief and Exhibit "I" and Exhibit "A" give proof of the fact that it is the practice to refuse relief in equity in the California Courts with specific reference to Welfare & Institutions Code Cases, which constitutes denial of equal protection, and which is available in the federal courts, as shown at pages 5-6.

It was held in Goldman v. Postal Telegraph, cited at page 6 (DC Del. (1943) 52 F Supp 763:

> Where constitutional rights are involved, it is the duty of federal courts to secure their protection even though state courts may fail to do so in analogous situations.

7. As indicated, provisions of Sec. 5047, 5050, 5128, Exhibit "B" this brief, are unconstitutional, being in violation of Article VI, Cl. 2, and Amendments V, VI, XIV, Sec. 1, all as aforesaid in this Brief and hereinabove in this Section IV. Hence the proceedings in this case are void.

THE CONTINUANCE
OF THE
DEPRIVATION OF CIVIL RIGHTS
IN THE WALKER CASE
UNDER COLOR OF STATE LAW
CONSTITUTES CONSPIRACY
UNDER
18 USC 241--371

Before judging the court and the judges
And proving the accusation as made,
We must first examine into the facts
And then consider the aspects of law
As to jurisdictional specifications
Under our Constitutions and statutes,
To prove the truth of our findings
For the civil proceeding in question.

A civil proceeding is a matter of law,
And under Sec. 5, Constitution Art. VI,
The Superior Court has jurisdiction.
And Sec. 5128 of WI Code states --
That trial shall be as in civil causes,
And Sec. 6610.3 of WI Code states --
As is true in all civil proceedings,
On request, the proceedings shall cease.

Court-jurisdiction under statute law
Is defined in legislative specifics,
And Sec. 1917 of CP Code states --
That jurisdiction to sustain a record
Must include cause, parties and things,
And Sec. 1916 of CP Code states --
A judicial record may be impeached
On a showing of failed jurisdiction.

Judge-qualification under statute law
Is defined in legislative specifics,
And Sec. 170 of CP Code states --
No judge shall preside in a proceeding
In which he is an interested party
And, on finding that such is the case,
Is directed to file a case memorandum,
Setting forth his disqualification.

EXHIBIT "A"

Court-procedure under statute law
Is a judge-mandate on a check-point basis,
And Sec. 1858 of CP Code states --
The court must follow the statute words
Without additions, omissions, or changes,
And Sec. 1859 of CP Code states --
The legislative intent is controlling,
Concomitant with intentions of parties.

Law-application of court jurisdiction
Is dependent on Constitution provisions
For due process and equal protection
And, when the specifics of statute laws
Contravene rights that are guaranteed,
Then the statute specifics must yield
To the constitutional law limitations
To protect civil rights of the parties.

It is the sworn judicial duty of judges,
As defined in their own Code of Ethics --
To support Constitutions and laws
And observe limitations and guarantees,
To abstain from personal participation
In matters involving their interest,
To diligently ascertain facts and law,
And to administer law with integrity.

It is the statutory duty of attorneys,
As defined in legislative specifics
As set out in Sec. 6068 of BP Code --
To support Constitutions and laws,
To maintain only actions legally just,
To abide by the truth in proceedings,
To defend clients against charges made,
And to keep inviolate client-confidence.

While the written law intends protection,
The law application denies protection,
And under provisions of WI Code --
We have a so-called civil proceeding,
With deprivations of a crime proceeding,
Without the protections of crime-law,
And, as a basis for which, charges made,
Unproved at a trial, mean life ruination.

Without notice, court-decreed illness
Causes imprisonment and crime-records,
The taking of property without consent,
Destruction by law of the life-forces,
And life-time damage to one's reputation.
And, after the loss has been suffered,
Officials conspire to avoid liability
And also to vitiate legal retrievement.

And now to the case at issue --

'Judicial Fairplay', the essence of law,
Is used by jurists in foremost decisions.
And yet, this case grew out of deception.
I remember the date, December 19, 1939.
I went to S. F. Hospital for one reason,
As I said I would, to ask about insulin,
And, sensing danger, I demanded to leave,
And then, I was served with a Petition.

On reading the Petition, I made demands
To be allowed to leave the place at once,
To see an attorney to protect my rights,
And I demanded attention to my demands,
And, instead of responding to my demands,
For their own protection as well as mine,
Medics pawed and doped and insulted me,
And tied me to a mattress on the floor.

The next day an attorney talked with me,
And promised to get me a trial by jury.
But, on hearing, he witnessed against me,
And over all my objections and demands,
Two medical examiners signed a certificate,
The judge signed an interlocutory judgment,
Allowing jury trial in 5 days on demand,
And next morning, I was taken to Stockton.

Before leaving, going, after arriving,
And during the next year of my life,
I continued demanding my legal rights
In every way I could possibly think of,
Screaming my demands into day and night,
Until finally someone heard and acted --
A man outside told the superintendent
To get me an attorney, or else he would.

All WI Code specifics were ignored --
Termination of proceedings on objection;
Definition to be proved on civil trial;
Presentation of Petition by the D. A.,
Based on pre-investigation of facts;
Medical examination before certification;
Court-appointment of a defense attorney;
Finance-status, hearing, jury, trial.

The law-critique was the first 5 days.
All demands should have been honored.
The D. A. should have determined facts.
Medical examination should have been made.
Legal defense should have been planned
And finance-status factually determined.
All of this, climaxed with trial by jury.
And Stockton should have heeded demands.

The court's CCP 170 disqualification
Was brought to attention April 14, 1964,
By a letter of the Chief Administrator,
Advising that Judges of the Superior Court
Were employers of the medical examiners,
Thus making the judges interested parties,
Since Court Judgment was made in reliance
Upon their 'expert-witness' certificate.

The attorney's BPC 6068 violation,
Deprived the right to counsel and defense.
We were Young Republican state directors.
The record shows the attorney at witness.
He advised Stockton he served as attorney,
And admitted initiating the proceedings,
After I had consulted him as an attorney
About improprieties of a state politician.

The medical examiners violated WIC 5055,
In not making personal examination
As a basis to determine certification.
The record shows their reliance upon
The Stanford Hospital recommendation
Of a 4th year student and 1st year interne,
In opposition to a 1st year resident,
And overriding a rating of 140 IQ.

The non-determination of finance-status --
The Stanford December 18, 1939, report:
"Transferred via S. F. H. to Stockton"
For lack of $200. to pay for 6 weeks --
Violated my right to Workmen's Compensation
Based on 12 years Bank of America service,
For up to the maximum sum of $6,000.,
With dependency support for my mother.

The District Attorney's WIC 5127 violation,
Initiating the civil rights deprivation,
Without careful fact-determination,
Precluded presentment of the Petition
To strip a girl unlawfully of civil rights
On a basis of charges falsely propounded,
By record-showing to make taxpayers pay,
In lieu of Workmen's Compensation Insurance.

The Superior Court's WIC 5050.8 violation,
In neglecting the check-point procedure,
Set by law for Constitution protection,
Caused the creation of unlawful records,
Based on filing an Interlocutory Judgment,
Handwritten by the Court medical examiner,
Which has kept banking crimes concealed
And deprived me of property for 25 years.

The record of my bank-career employment
From October, 1928, to January 23, 1940,
Showed that I was an AIB honor-graduate,
Employed at a salary of $110. per month,
Because of national bank discrimination
Against women--who left to get married,
Assigned to an interstate commerce entity,
On a salary-profit bank-earnings basis.

While Bank of America was claiming to be
A Transamerica Corporation subsidiary,
It was in fact, and unknown to me then,
Transamerica's under-cover entrepreneur,
Engaged in National Bank Act violations,
Which created an IC Sec. 332 situation,
Vitiating Workmens Compensation Insurance
Carried in Transamerica for concealment.

Due today are multi-millions of dollars
In damages to citizens of state and nation
Defrauded by the bank's NBA violations --
For over-5-year-realty-holding profits
Plus sale-retentions of mineral rights,
For calling 100% joint stocks for 60%,
For engaging in interstate loan financing,
And using federal funds for speculations.

The bank's charter is 12 USC 93 forfeit,
Hence, continuance dependent on silence.
I wondered often about the appraiser,
Who was overloaned on land and sheep,
Who was pressured into a bank holdup,
And, after arrest, found hanged in jail,
Leaving behind him a wife and two boys --
His testimony could have broken the bank.

Was I too the victim of silence required --
My trial could have broken all silence.
Hence, my life had to be misconstrued.
How handy, a legislator's organ-popping --
To halt my prospected radio program,
Designed by me to show people the way
To solve problems then being created
By unlawful practice in bank finance.

In July, 1939, it was stated in the news
That Transamerica was planning a suit
To keep loan data secret from the SEC.
All bank employees wanted investigation,
And I advised SEC of known violations,
With the idea of getting them stopped.
When bribed SEC attorneys reported it,
I was forced to resign October 23, 1939.

The officials gave me an alternative,
They would allow me to resign for illness
With my salary to continue 3 months,
Or else blackball me from all employment.
Although stunned almost to paralysis,
I knew I had done the right thing,
And when I left the bank in October,
SEC Examiners were checking altered books.

I was rebellious over what had occurred
And ill from years of incessant typing,
But I tried to maintain my composure
Until I could figure out what to do.
Bank interference with my radio program,
Caused by officials talking against it,
Had dissipated all my promised support,
But I kept on taking my voice lessons.

On salary-leave to January 23, 1940,
Unemployment insurance not yet available,
I started searching for another position,
But found the work of typing impossible,
And being too worried to enjoy vacation,
I tried awhile to divert my attention
By social interest, consistently spoiled
By oversexed tactics of tennis society.

The worst mistakes in a moment are made,
In exhaustion, I accepted suggestion
To go into Stanford for a couple of weeks,
Where I expected to counsel on problems.
My family physician and his associate,
A tennis club member, in active conspiracy,
As shown in a letter kept secret from me,
Arranged for the medical recommendation.

The Stanford stay was a medical horror,
Without psychiatric benefit of any kind,
With constant bombardment of questions,
Recorded with untrue answers and comments,
For the purpose of aiding conspiracy,
For propounding false medical report,
To induce by fraud my dependent mother,
Into signing the petition for court.

When Stanford demanded $200. for 6 weeks,
Alternative to free state hospital care,
My mother consulted an attorney I knew,
Who wrote a scandalous notice of illness,
Advising the bank of my need for $200.,
Which officials promptly by phone refused
Concealing by denial my compensation right
And approving free state hospital care.

In Stockton a year, I screamed for rights.
I was pawed, ducked, wrapped, strapped,
And, after warm baths, put in cold rooms;
My finger-prints taken for FBI records;
My organs demanded for free-sex indulgence,
Saved only by threats to refugee doctors;
Injected with insulin, reducing blood-sugar
To danger-level, from which I still suffer.

All wrong outside--my mother was evicted,
When my brother did not pay the rent,
With my furniture stored in a basement;
And guardianship instituted in Court,
Without hearing, to save sterilization,
The attorney for costs taking insurance
And funds of half-brother, ending regard,
My mother selling realty for food, $100.

A memorial to the horrors of Stockton --
I met a friend from San Jose High School,
Who told me about her baby just born,
And her two other sweet little children.
She worried because the doctors told her
That they someday would be locked up too.
I told her that the doctors were crazy.
Later, she smothered them to save them.

Freed from Stockton December 6, 1940,
I was weak, sick, and angry beyond words --
Experimental insulin, the blackmail price
To get my body away from the awful place.
My weight was down from 145 to 105 pounds,
And stomach-cramps daily doubled me over.
On leaving, I was cajoled and threatened
But I was determined to fight for right.

Unemployment insurance had then expired,
But I was offered a job doing typing --
I refused social-worker home-refuge,
And $10. a week from Community Chest.
I then purchased a portable typewriter
And wrote the story yet fresh in my mind.
I demanded investigation by officials
Of county, state, nation -- all refused.

I then used the report to demand release
From the Stockton Hospital Superintendent,
Who violated law in ignoring my demands,
Being restored to capacity April 23, 1941
By the Court in the guardianship action.
Every day though ill, I kept on working,
And continued demands for legal redress,
Being refused evidence access and action.

In 1942, I worked for the ex-president
Of the bank, who recommended me highly,
And wrote a biographical series for U. C.
In 1943, Dr. Wilbur gave me a scholarship
At Stanford, where I stayed 6 months --
My brother refusing his mother allotment,
My half-brother diverting funds due me;
Afterward, I went into publicity work.

D. A. Candidate Brown made me a promise,
If he were elected, he would investigate.
But, after election, on facts presented,
As D. A., he refused to take any action.
I wrote to the Superintendent at Stockton,
Who denied my attorney and trial demands,
I placed a newspaper ad, without finding,
The man who had demanded attorney for me.

I then filed a claim against the State
At Sacramento, with the Board of Control,
And on Attorney General's opinion denied,
On the basis of the letter of attorney,
Who stated he was attorney in proceedings,
And that the hospital promptly responded
And that the 5-days demand under WI 5125
Should legally have been made by attorney.

The Board of Control made an admission,
The hospital record showed my demands
All during the year I was held by them,
Proving the hospital statements untrue.
For evidence, I was given the record,
Told to get an attorney and go to court,
And get an order setting the record aside,
And then they would settle my claim.

In San Francisco, I engaged an attorney,
Not knowing he was in the enemy's camp,
His wife, a Stanford medical staff member,
And he, attorney for the People's World,
Who defended an accused-Communist woman,
Who was 'Mrs.' my name, and whose record
The FBI confused with my fingerprints --
Which barred him from being my attorney.

It was during U. N. Conference time,
And I was publicist for S. F. Unit, AWVS.
Motion and verified petition were filed,
On due process denial voiding jurisdiction,
And the Court issued order, June 15, 1945,
Annulling, vacating the original record.
When the attorney advised it was cancelled,
I was surprised but he promised rehearing.

Behind my back and without my knowledge,
A stipulation was filed 11 days later,
And made into court order, June 25, 1945,
Setting aside the order of June 14, 1945,
Prepared on D. A. Edmund Brown's paper,
Signed in the handwriting of a deputy,
Who signed the name of my attorney's firm,
Unauthorized either by me or by the law.

Petition-denial on September 12, 1945,
Resulted in Grand Jury hearing in October,
The D. A. being ordered to clear records.
The D. A. then made an alternative proposal.
He said he would ruin me with litigation,
Unless I released the involved parties,
But, if I did, he would expunge the records
And support a $10,000. claim bill for me.

Prudence seemed to demand my acceptance,
As D. A. support could win the claim bill
And this amount would reestablish me,
And I could then go on to other things.
I signed the release on January 30, 1946,
And the attorney and D. A. the stipulation,
And Court Order issued on February 1, 1946,
Setting aside and expunging the record.

In a matter of days, I was upset to see
Items in Herb Caen's Chronicle column
That the District Attorney, Edmund Brown
And Melvin Belli, railroading attorney,
Were closely involved as personal friends.
March 2nd -- Belli reversing decisions,
March 15th -- Announcing Belli handling
The Republican D. A. Pat Brown campaign.

At once, I sought clearance of records
With copies of the expungement order.
All sources complying, except the FBI,
Which refused fingerprints surrender,
But Congressman Havenner's objections
Revealed name-confusion as mentioned
And Mr. Hoover apologized June 6, 1946
And fingerprint records were released.

At once, I began work on the claim bill,
Being told the release would prevent it.
The D. A.'s office on January 11, 1947,
Gave me a letter stating that the release
Did not include the State of California,
Thus clearing the way for introduction,
And pendency of the bill was announced
In Herb Caen's column January 28, 1947.

Quite interesting the fact, the attorney,
Who handled the guardianship proceeding,
Failing to collect Workmens Compensation,
Garnering my property not for me but costs
Of unlawful proceedings in Superior Court,
Wrote Board of Control on August 1, 1947,
Opposing for himself and Bank of America
Approval of my claim bill for losses.

In San Francisco, I engaged an attorney,
Not knowing he was in the enemy's camp,
A wife's cousin of claim-opposing attorney,
A friend of 'forged stipulation' deputy,
A recipient of case referrals of D. A.
And $30,000. case from politician involved,
His firm opposing my mother-support case --
Which barred him from being my attorney.

After hearings held in the legislature,
With WI Code stiffened for protection,
And $2,500. suggested for $10,000. promised,
Amended claim was filed on July 2, 1948,
Under direction of the involved politician,
Which was cut to $2,000. on August 18, 1948,
And, on attorney's failure to attend hearing,
Was cut to Bank-of-America-salary, $1,440.

On learning I would not receive $10,000.,
I started rechecking my case situation,
And first learned my mother had attempted
To claim Workmens Compensation for me
And that, after notice of illness given,
The bank concealed existence of right
And withheld the tender of medical care
To accomplish signing of court petition.

I found the release CC 1668 unlawful,
It being against the policy of the law
For parties seeking to avoid liability
For acts of fraud and wilful injury
To demand release from parties injured.
But I was unprepared for demand-denial
For illness notice and bank refusal,
By attorney, State Bar, Supreme Court.

I filed a complaint on January 26, 1949
In the Superior Court at San Francisco
For malicious prosecution under WI 5047,
Requesting the Court to appoint attorney,
The request ignored and demurrers upheld,
After months of delay waiting decision
In the IAC proceedings then still pending,
As per my statement of February 26, 1951.

I went to Probate Court on March 4, 1949,
Demanding the notice and bank refusal,
But Attorney Brouillet denied facts stated,
Deriding my object to sue Bank of America,
And Bank Attorney Schilling, there present,
Took my papers from the court with him,
And the judge threatened me with contempt,
If I came into court again on the matter.

My IAC application filed December 6, 1948,
Claiming concealment tolled limitations,
Against Transamerica and Bank was defended
By Hartford Accident & Indemnity Company
And State Compensation Insurance Fund,
Which by pleading statute of limitations
Secured denial of Commission June 11, 1950,
And District, Supreme Court Petitions.

Brouillet estate attorneys delivered
Illness notice, refusal, on November 9, 1953,
And I appealed to Congressman Mailliard,
Who introduced HR 7850 on January 27, 1954,
On FBI confusion, heard on May 19, 1954,
Which was supported by Congressman Burdick,
But was denied by Judiciary Subcommittee,
On Attorney General's claim of no injury.

Walker v. Bank of America, 268 F 2d 16,
Filed in District Court, October 25, 1955,
Based on receipt of the Brouillet facts,
Was dismissed by Court on January 28, 1958,
And Circuit, Supreme Court Petitions denied,
Under 28 USC 1348, which by law deemed
A national bank to have state citizenship,
And failure to state a federal claim.

Injunction complaint filed June 30, 1958,
To compel the Comptroller of the Currency
To recall the charter of Bank of America,
On the basis of 12 USC NBA violations,
Under Sec. 24, lawful action limitation,
Under Sec. 93, charter-forfeit provision,
Was denied by Judge Pine November 3, 1958,
Stating Comptroller's action discretionary.

Injunction complaint of December 15, 1958,
For silence under February 1, 1946, order,
Resulted in dismissal on filed objections
By state-federal-medical-bar attorneys,
On grounds I was not federally entitled
Under the expungement order in question,
And USDC still continues Rule 59 motion
For showing original proceeding invalid.

IAC proceedings reopened on certification
By the Medical Director on March 13, 1961
Of 30% disability from chronic residuals
Of a physical nature caused by typing work,
The Referee finding on August 22, 1961,
That the ententions as stated were true
And that physical complaints in question
Were caused by bank employment, 1928-1939.

I made IAC discovery on April 25, 1961,
That Bank of America, actual employer,
Had hired me out on salary-profit basis,
IC-332 vitiating compensation insurance.
But the Referee denied reconsideration
For jurisdiction expired on June 11, 1950,
And reconsideration precluded by LC 5804,
District, Supreme Court Petitions denied.

In order to qualify for federal injunction,
I prosecuted an action in Superior Court,
And therein discovered on May 5, 1964,
Forged-stipulation-order of June 25, 1945,
And expungement unrecorded, on May 10, 1964,
Showing record-validity of unlawful order
Set aside by final order of June 14, 1945,
Voided by D. A.'s forgery on June 25, 1945.

Pursuing court proceedings in question,
Examination of certified copies secured,
Proved June 25, 1945, stipulation a forgery
By the San Francisco District Attorney,
And still later on December 29, 1964,
I discovered the County Clerk's Index,
Finding expungement PC 1203.4 authorized
WIC 5155 nonapplicable to civil proceedings.

Now I find Walker, 268 F 2d 16, disapproved
on civil rights issue by 9th Circuit Court
In the Cohen v. Norris case, 300 F 2d 24,
In which analysis made of the Walker case
Alleges the failure to claim rights denied
'Under color of state law', as required --
So I shall try again on extrinsic fraud
By me discovered on December 29, 1964.

The problem now, Superior Court admission
And CCP 1916 voidance for non-jurisdiction
Of original December 20, 1939, proceedings,
Implementing the June 14, 1945, order,
Annulling December 20, 1939, proceedings,
Which under CCP 963 became a final order --
The June 25, 1945, D. A.-Court 'forgery',
Being subject to PC 799 felony prosecution.

Dated: September 23, 1964
San Francisco, California

CLAUDIA WALKER

Demand is hereby made upon the San Francisco Grand Jury for an indictment for criminal prosecution of officials involved in the June 25, 1945, 'forgery', and their fellow-conspirators, as allowed under PC 799.

This document will be filed forthwith as Exhibit "A" to an Addendum to Petition for Writ of Prohibition filed in the United States Supreme Court, Washington, D. C. to disqualify Judges of the San Francisco Superior Court from presiding in proceedings involving this situation.

Declaration of Service:
This document has been served by personal delivery and/or postpaid mailing at the San Francisco Post Office, California, on September 23, 1965, addressed to the following:

Honorable Joseph Karesh, City Hall, San Francisco
Governor Edmund Brown, State Capitol, Sacramento
Attorney General Lynch, 500 Capitol Mall, Sacramento
District Attorney Ferdon, 850 Bryant St., San Francisco
San Francisco Grand Jury, City Hall, San Francisco
Board of Supervisors, City Hall, San Francisco
Honorable James Eastland, Chairman, Judiciary Committee, U. S. Senate, Washington, D. C.
Honorable Emanuel Celler, Chairman, Judiciary Committee, House of Representatives, Washington, D. C.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, September 23, 1965.

CLAUDIA WALKER

*Denied Nov. 16, 1965, with consent, following discovery that February 1, 1946, order was non-applicable and non-jurisdictional.

WELFARE & INSTITUTIONS CODE
Sections 5047, 5050, 5128

Sec. 5047

Petition for examination of mentally ill person; Who may file; Preparation of petition and forms; Civil and criminal liability. Any person may file in the Superior Court a verified petition that there is in the county a person who is mentally ill and in need of supervision, care or treatment, and asking that examination be made of the mental health of the person, and that provision be made for the welfare of the person as provided in this chapter.

When no relative, friend or other person can be found in the county who is able and willing to make and file the petition herein provided, any peace officer, probation officer, physician attending the patient, physician attached to a public hospital or institution, if the person is a patient therein, or public guardian may make and file the petition herein provided. The district attorney or his deputy shall prepare the petition and all other forms required in the proceeding when requested by the party who is to file the petition or other form. When a petition is filed by any such person, neither the person making or filing the petition, nor his superiors, nor the department, hospital, or institution to which he is attached, nor any of its employees, shall be rendered liable thereby either civilly or criminally, if there was probable cause for the making and filing of said petition.

Sec. 5050

Orders for examination and safekeeping; Appointment of medical examiners; Notice of examination; Service. Whenever it appears by petition pursuant to this chapter, to the satisfaction of a judge of the Superior Court in any county that any person therein is mentally ill, and in need of supervision, treatment, care or restraint, the judge shall so far as consistent with Sec. 5156 of this Code, make such orders as may be necessary to provide for examination into the state of mental health of the person, and for the safekeeping, necessary medical treatment, care or restraint of the person, pending hearing, in the county psychopathic hospital, in his own home, in a state hospital, or in such other place as will afford access to medical examiners for the purpose of

EXHIBIT "B"

examination and suitable provision for the safety and comfort of the person. THE JUDGE SHALL BY ORDER APPOINT TWO MEDICAL EXAMINERS TO MAKE A PERSONAL EXAMINATION OF THE PERSON AND TO REPORT THEREON TO THE COURT.

If the judge is satisfied that the person is sufficiently mentally ill that examination should be made into the state of his mental health, the judge shall issue an order notifying the person to submit to examination at such time and place as designated by the judge. The order for examination shall be served as provided in Sec. 5050.2, by a peace officer or counselor in mental health of the county at least one day before the time fixed for the examination. The person shall be permitted to remain in his home or other place of domicile pending the examination, and shall be permitted to be accompanied by one or more of his relatives or friends to the place of examination.

If it appears to the judge from a certificate of a licensed physician and surgeon dated not more than 3 days prior to the presentation of the petition and filed with the court, certifying that he has examined the person and is of the opinion the person is mentally ill, and because of his illness is likely to injure himself or others if not immediately hospitalized or detained, or if it otherwise affirmatively appears that said person is likely to injure himself or others, the judge may issue and deliver to a peace officer or counselor in mental health of the county an order directing that the person be forthwith detained in a place designated in the order for examination and hearing as provided in this chapter. The judge may issue a similar order, if the person fails or refuses to appear for examination when notified.

Sec. 5128

Trial as in civil causes; Requirement of three-fourths verdict; Adjudication of mental illness or insanity; Order for detention, etc., in hospital; Delivery of person and copy of order, etc. The trial shall be had as provided by law for the trial of civil causes, and if tried before a jury the person shall be discharged unless a verdict that he is mentally ill is found by at least three-fourths of the jury. If the judge adjudges or the verdict of the jury is that he is mentally ill the judge shall adjudge that fact and make an order similar to the original order for detention in a licensed hospital or sanitarium or for commitment to a state hospital. If such order is for the supervision, treatment,

care or restraint of the mentally ill person in a licensed hospital or sanitarium, a peace officer shall deliver the person and present a copy of the order to the superintendent or other official of such institution; if the order is for the commitment of a mentally ill person to a state hospital, such order shall be presented, at the time of commitment of the mentally ill person, to the superintendent or person in charge of the state hospital to which the mentally ill person is committed.

A QUESTION FOR THE COURT AND FOR REPUBLICANS

It is time that the Belli-Maloney incident came out into the open.

I have repeatedly asked Republican leaders to tell the public about the felony of Edmund Brown, which disqualifies him to be Governor. Apparently, the leaders are afraid to bring this matter to voter-attention because of Republican involvement.

I believe that all citizens understand that there are good and bad Republicans, as well as good and bad Democrats. Also, I believe that the voters, both Republicans and Democrats, have a right to know the true facts about candidates, so that they intelligently place their vote.

The Walker case involves conspiracy for deprivation of civil rights and property and conspiracy against the public interest, forgery, falsification of public records, and document removal by the District Attorney acting in collusion with other interested parties.

At the time Judge Karesh unlawfully denied motion to vacate void court proceedings and orders, he stated in the courtroom that Belli and Maloney had rights.

What rights do Belli and Maloney have? The only answer is that Belli and Maloney have no rights against Walker, but that Walker has rights against them and others too, the assertion of which the Court has delayed.

The parties --

Maloney, a Republican legislator,
later replaced in office by the Brown-Burton machine

Belli and Walker were Young Republican State Directors

Walker is a Republican,
who was a Bank of America employee, employer-involved in NBA violations (requiring charter forfeiture under 12 USC) causing death and economic poverty, who developed a radio program to remedy bad financial practices to prevent economic poverty.

District Attorney Brady was a Republican,
who implemented the conspiracy

District Attorney Brown - present Governor - who committed the forgery and falsification of public records, was a Democrat turncoat, whose '46 Republican campaign was handled by Republican Belli, who is now a Democrat turncoat.

District Attorney Lynch - present Attorney General - was involved in the above felonies also.

District Attorney Ferdon is a Democrat, who is involved in document removal to perpetuate the felonies.

Certain Judges are involved, as shown in the record.

THE MALONEY INCIDENT

It was the closing hour
And the sun was sinking
And the towering buildings
Were casting angled shadows
Through draperied windows
Into darkened offices
Settling into stillness
After the workers out-rush.

An after-hour appointment
Pending with the legislator
Brought a girl to the office
On a proposal of assistance
By the Mayor at City Hall
For a prospected radio program
Designed for public benefit
To solve economic problems.

In the legislator's office
There was danger lurking
For the unsuspecting girl
Who came for the appointment.
The legislator greeted her
And offered her a chair
And then, behind her chair,
He locked the office door.

In sunset's angled shadows
Flitting through the room
The girl waited patiently,
The legislator chatting
From a closet door beyond,
And then, on reappearing,
Holding a bottle in one hand,
He was presenting a sex-pose.

In a shocking of surprise
The girl was standing up
And suddenly was darting
Around the legislator's desk,
Evading the reaching hands
Seeking to persuade her
Yielding to sunset's sexy whims
On a nearby couch of black.

In explanation's aftermath,
A retrieval of composure
Followed upon tumbling words
About a surgeon's operation,
And a girl supporting a mother,
And $25 a month for friendship --
He only wanted a little touch
And some human understanding.

In the incident's aftermath,
On the girl's leave-taking,
Fellow Republican politicos
Effected pre-planned conspiracy
With national bank employers
To keep from public knowledge
The story of banking crimes
And legislator's indiscretion.

In discussion, a banker said
That the legislator stated
That the radio program involved
Was designed for the purpose
Of making men acquaintances,
Which was an untrue statement
Impelling her to seek counsel
With Republican associate Belli.

Concurrently, SEC agent-spies
Unlawfully told bank officials
Of a report made in confidence
Of the bank's NBA violations,
Impelling banker-lobbyist Stevenot
To see her friends and relatives
To defeat her program efforts
And then unlawfully take her job.

THE BELLI INCIDENT

The following excerpts are taken from "The Continuance of the Deprivation of Civil Rights in the Walker Case under color of State Law constitutes Conspiracy under 18 USC 241--371."

...

It is the statutory duty of attorneys,
As defined in legislative specifics
As set out in Sec. 6068 of BP Code --
To support Constitutions and laws,
To maintain only actions legally just,
To abide by the truth in proceedings,
To defend clients against charges made,
And to keep inviolate client-confidence.

...

The attorney's BPC 6068 violation,
Deprived the right to counsel and defense.
We were Young Republican state directors.
The record shows the attorney as witness.
He advised Stockton he served as attorney,
And admitted initiating the proceedings,
After I had consulted him as an attorney
About improprieties of a state politician.

...

It was during U. N. Conference time,
And I was publicist for S. F. Unit, AWVS.
Motion and verified petition were filed,
On due process denial voiding jurisdiction,
And the Court issued order, June 15, 1945,
Annulling, vacating the original record.
When the attorney advised it was cancelled,
I was surprised but he promised rehearing.

Behind my back and without my knowledge,
A stipulation was filed 11 days later,
And made into court order, June 25, 1945,
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Unauthorized either by me or by the law.

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Resulted in Grand Jury hearing in October,
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The D. A. then made an alternative proposal.
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But, if I did, he would expunge the records
And support a $10,000 claim bill for me.

Prudence seemed to demand my acceptance,
As D. A. support could win the claim bill
And this amount would reestablish me,
And I could then go on to other things.
I signed the release on January 30, 1946,
And the attorney and D. A. the stipulation,
And Court Order issued on February 1, 1946,
Setting aside and expunging the record.

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That the District Attorney, Edmund Brown
And Melvin Belli, railroading attorney,
Were closely involved as personal friends.
March 2nd -- Belli reversing decisions,
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The Republican D. A. Pat Brown campaign.

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Did not include the State of California,
Thus clearing the way for introduction,
And pendency of the bill was announced
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A wife's cousin of claim-opposing attorney,
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A recipient of case referrals of D. A.
And $30,000 case from politician involved,
His firm opposing my mother-support case --
Whih barred him from being my attorney.

After hearings held in the legislature,
With WI Code stiffened for protection,
And $2,500 suggested for $10,000 promised,
Amended claim was filed on July 2, 1948,
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For illness notice and bank refusal,
By attorney, State Bar, Supreme Court.

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I prosecuted an action in Superior Court,
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Annulling December 20, 1939, proceedings,
Which under CCP 963 became a final order --
The June 25, 1945, D. A.-Court 'forgery',
Being subject to PC 799 felony prosecution.

Dated: San Francisco, California, August 14, 1966.

CLAUDIA WALKER

This will be forwarded to all Republican Committee sources, certain Congressional sources, certain Judicial sources, and to named parties, and will be filed as a Court-document-exhibit.

CLAUDIA WALKER

CHRONOLOGY OF EMPLOYMENT

October 1928--January 23, 1940
Bank of America National Trust & Savings Association

Letter of recommendation from former President Will F. Morrish dated March 7, 1950:

"Miss Walker's record during the period I knew her was much above the average. She was a fast and efficient worker and her handling of the public was exceptionally good."

Re: low salaries

The bank hired out its employees, without their knowledge or consent, to its own corporations, organized to violate provisions of the National Bank Act, under the name of Transamerica Corporation, collecting two and three times the amount of salary paid.

1928
Accounting Department
Stenographer
$90 per month

1929-1931
Bank Properties Department
Handling bank premises and foreclosed properties
Stenographer
Registered with American Institute of Banking
Salary deductions for employee stock purchases
$90 per month

Capital Company
Acquired and operated bank-owned city properties
Clerk in charge of rent records for California
Supervised two stenographers and one bookkeeper
$125 per month
Separated due to depression cutbacks

EXHIBIT "D"

1931

Bank Branches

Traveling relief teller, stenographer

Hourly rate, plus expenses

1933

California Joint Stock Land Bank

Liquidating farm loans, recalling bonds

Secretary

$110 per month

October

5-year pin, Bank of America N. T. & S. A.

1935

Bankamerica Agricultural Credit Corporation

Livestock loans, rediscount financing, 5 states

Secretary, Advertising copywriter, Clerk

$115 per month

1937

October

10-year pin, Bank of America N. T. & S. A.

1939

July

Securities & Exchange Commission Investigation

San Francisco Chronicle:

"TAC may sue to keep loans secret."

August

September

All employees wanted investigation

I informed SEC of National Bank Act violations

SEC attorneys, bribed to report information, gave information unlawfully to bank officials

October 23

Resigned under unlawful pressure by Stevenot

Separation with salary to January 23, 1940

SEE: 1961-1965 BANK OF AMERICA LEGAL PROBLEM

NATIONAL BANK ACT VIOLATIONS REPORTED:

Accounting Department

Transmitted funds, withheld from local loan use, to Call Money Market, New York, at 20% interest.

Refused to pay for demanded overtime work.

Capital Company

Organized to violate law requiring banks to sell foreclosed properties in 5 years.

Bought in at bid-price, letting bank take deficiency judgments.

Speculatively operated and sold properties.

At sale, retained mineral rights for bank.

Refused to pay for demanded overtime work.

California Lands, Inc.

Organized to handle country properties in the same manner as Capital Company.

California Joint Stock Land Bank

Arranged with Blyth & Co., Stockbrokers, to send fraudulent letter to interstate bondholders, calling in bonds, actually worth 100%, for 60%; refused to give true facts on demand of bondholders.

Speculated with profits in U. S. Treasury Bond Market.

Used profits to operate Bankamerica Agricultural Credit Corporation and give bonuses to favored officials.

Transferred liquidating loans to Federal Land Bank of Berkeley, retaining Federal-regulation-prohibited second mortgages, unrecorded.

Collected second mortgages from transferred borrowers; several borrowers secured court relief in the U. S. District Court at San Francisco.

Refused to pay for demanded overtime work.

Bankamerica Agricultural Credit Corporation

- Conducted unlawful interstate bank loan business.
- Rediscounted loans at Federal Intermediate Credit Bank of Berkeley, paying 3% interest, on total funds of interstate loans.
- Loaned funds to interstate borrowers on monthly budget basis, leaving substantial bank retentions for given periods.
- Speculated with loan retentions in Transamerica Stock in individual names, such as C. P. Cuneo, brother-in-law of A. P. Giannini, $90,000.
- Death of Ed Wood, livestock appraiser employee; transferred to him unlawful 100% land loan to Al Kuhn, on a $20,000 advance of his father-in-law; made him a 100% loan on sheep which after purchase commenced to die off.
- Panicked bank officials pressured Wood, who panicked and attempted a holdup of a bank official at American Trust Company and was put in jail.
- Frightened officials, fearing results of Wood's testimony, were joyously relieved, when he was dead next morning with a belt strap around his neck and with a handkerchief stuffed down into his throat, because there would be no testimony.
- Officials took over the Wood spread without question, in a situation where it was reported that the land was the cause of the deaths of the sheep.
- Account cards changed to cover-up unlawful loans.
- Refused to pay for demanded overtime work.

Title 12, Section 93, USC, provides for forfeiting of the bank charter for violations of the National Bank Act, and cancellation of all rights and privileges under the Act.

The Comptroller of the Currency, answerable only to the President who has an Assistant who is affiliated with the bank, will not enforce the law; and Congressional Banking Committees will not investigate; both of which assure that the law is ineffective.

1929
April
Character (Five petals of pink wild rose)
Prize talk, Giannini Contest
Published in Centerville newspaper

1934
Wrote a novel about banking -- principal character, John Wayne, ruined by banking law violations, accused of murder of banker of which he was innocent
Not published

1935-1939
Organized Civil Service Employees Widows Association, after father's death, when Federal Civil Service Retirement Pension ceased, to gather data from widows to present to Congress for pension legislation for widows
Congress approved pensions for Panama Canal Zone widows and later for future widows, but ignored older widows

1936-1938
Instituted radio program on KYA to feature prominent San Franciscans on American theme
Daughters of American Revolution
Admitted to Membership April 18, 1936
Nat'l Number 294921 (Lt. Alexander Walker)
Elected Chairman, Tamalpais Chapter
Press Relations and Radio
Resigned June 21, 1938
Discontinued program for unwarranted interference by San Francisco Chairman

1937-1939
Young Republicans of California
Member, State Board of Directors

1938-1939
Developed radio program idea to feature economic problems and remedies to eliminate poverty
Took voide lessons
Active interference by Bank of America officials, who did not want banking evils exposed, prevented development

ENDORSED
FILED
AUG 19 1966
MARTIN MONGAN, CLERK
By J. A. Ortelle
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

In re Claudia Walker) NO. 18,160
ORDER (CCP 1953.02)

The Petition of Claudia Walker for an order substituting certified copy of the Order of Court in the above matter, filed February 1, 1946, having come on regularly for hearing this 19th day of August, 1966, upon notice duly and regularly given, Claudia Walker appearing in person, District Attorney John Jay Ferdon appearing by E.W.JEAN WRIGHT, and good cause appearing therefor:
J.

The Court finds that the said order was made and entered and filed on February 1, 1946; that a certified copy of same was issued by the County Clerk on June 10, 1960; that said order has unauthorizedly been removed from the file; that Claudia Walker is entitled to have it replaced in the file by means of this order.

IT IS HEREBY ORDERED that a copy of the aforesaid certified order be attached to this order and said copy shall hereafter have the same effect in all respects as the original would have had, and particularly to support the record now before the U. S. Court of Appeals, No. 21147, in which said Order was certified by the County Clerk to the District Court of Appeal 1 Civ. 23371 on January 3, 1966 at page 27 of the Judgment Roll.

Dated: August 19, 1966.

CURTISS E. WETTER
JUDGE OF THE SUPERIOR COURT
OFFICE DEPT. X-2

Note by Walker: Attached to said Order was a copy of the certified copy of the February 1, 1946 order as appears at Judgment Roll, page 27.

EXHIBIT "E"

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

HONORABLE JOSEPH KARESH, JUDGE, DEPARTMENT No. 16

In re)
) No. 18160
Claudia Walker)

REPORTER'S TRANSCRIPT
DECEMBER 17, 1964 - 10:30 A. M.
JANUARY 14, 1965 - 10:30 A. M.

APPEARANCES:
In propria persona: CLAUDIA WALKER

THE CLERK: Walker v. Superior Court.

THE COURT: Miss Walker, ---

MISS WALKER: Yes, the title is wrong, your Honor. It should be, I think, In re Claudia Walker. I mean, there were other words, but I left them out.

THE COURT: What is the matter before the Court?

MISS WALKER: This is a matter to vacate, annul and set aside an order. It was properly noticed. I filed a memorandum; I filed an affidavit.

THE COURT: To annul what order?

MISS WALKER: Of December 20th, 1939, in which---

THE COURT: The Court can not enter such an order. The Court has no power to enter such an order.

MISS WALKER: The Court had no jurisdiction at the time it made the order and I am ---

THE COURT: There was a hearing.

MISS WALKER: There was no hearing, your Honor. You haven't read the papers if you say that.

THE COURT: I have read the papers.

MISS WALKER: There was no hearing at all, your Honor.

EXHIBIT "F"

THE COURT: What you consider is no hearing is still a hearing. You may be dissatisfied with it, but---

MISS WALKER: It is not in accordance with the Code. I have set this out. There was no determination by the medical examiners--of those medical examiners. One of them is disqualified. RT2

THE COURT: Then the medical examiners made a finding.

MISS WALKER: Can we have a detailed argument based on my memorandum at this time? Is it convenient?

THE COURT: To the Court it is obvious. I am sorry that you are in this situation, but the Court is without power to grant you the relief for which you pray.

MISS WALKER: All right. Mr. Edmund Brown committed forgery. He forged my attorney's name on June the 25th, 1946. I have just discovered this forgery. The forgery is the last record that has been recorded. It leaves me in a situation where the December 20th, 1939, order is extent. I am personally, by virtue of the fact there is no other recorded record, apparently, under the jurisdiction of this Court, which I certainly can not stand for, and all of my property rights have been taken.

THE COURT: I can not set aside the finding of the Court. I will make a concession that there are many ---

MISS WALKER: I was denied due process of law that is guaranteed by the United States Constitution.

THE COURT: There are many procedures insofar as the commitment of the alleged mentally ill that should be changed.

MISS WALKER: C. C. P. 1916 allows me to raise the question of jurisdiction. You realize this means an appeal.

THE COURT: Yes, I do. RT3

MISS WALKER: Can't we have a full argument, your Honor?

THE COURT: There is no argument necessary, Miss Walker, because I am convinced that this Court is without power to grant you the relief for which you prayed.

MISS WALKER: You have power to correct the error that has been committed.

THE COURT: The judge found you mentally ill.

MISS WALKER: The judge was an incompetent old man. One of the medical examiners was an alcoholic. I have proof of this. It is in the San Francisco Coroner's records.

THE COURT: That would still not permit us---

MISS WALKER: The medical certificate was not completed. I came into court in '45, your Honor. I spent very good money with Gladstein, Andersen & Resner. They stole my money, lied to me. Mr. Edmund Brown put a forged stipulation in this court record, and I have shown it to you. I subpoenaed Mr. Brown here today and he is not here. I don't know whether the sheriff served him or not.

THE COURT: The governor?

MISS Walker: Mr. Edmund Brown, the attorney. He was the district attorney at the time, and he personally signed one of those papers. Not the forgery, but his office signed the forgery, but he knew about it.

THE COURT: Well, Miss Walker, ---

MISS WALKER: Why are you denying me relief? Under RT4
what provision of the law?

THE COURT: Under the provision of the law that you can not set aside this judgment.

MISS WALKER: Under what provision of the law?

THE COURT: I can not set aside this finding of mental illness, the judgment.

MISS WALKER: The judge was a liar. He had no right to do it. He was an incompetent old man. I had no trial.

THE COURT: I can not substitute my judgment for his.

MISS WALKER: I had no trial.

THE COURT: You had a right of trial by jury, didn't you?

MISS WALKER: I have had no trial. You haven't read the papers, your Honor.

THE COURT: You had a right of trial by jury.

MISS WALKER: I demanded it, but I didn't get it. Would you release this so I can go into the federal court?

THE COURT: Release what?

MISS WALKER: I have tried to go into the federal court and your people here have come in and -- I mean this: Your people, your Honor, not you personally, Mr. Brasil representing this Court has gone over to the Federal court and objected. I don't want it heard in this court, frankly. Every time I come in here you say no, and there is no reason/ for saying no today. RT5

THE COURT: I can not set aside the judgment finding you mentally ill.

MISS WALKER: Why? Why?

THE COURT: I have no power to do it.

MISS WALKER: I was never mentally ill. I never had a trial. I brought this up. I spent hundreds and hundreds ---

THE COURT: There were two medical examiners appointed.

MISS WALKER: One of them was a drunk and he died a drunk. This is in the coroner's report.

THE COURT: That would be no grounds to set aside the judgment of---

MISS WALKER: There was no determination. They didn't even complete the certificate of the medical examiners. Your Honor, I do think if you would give time for a complete argument---

THE COURT: A complete argument can not help. I do not have the power to do it.

MISS WALKER: I claim the Court had no jurisdiction. The Court had no jurisdiction either to---

THE COURT: The Court acted upon the recommendation of the medical examiners, two of them, and the judge, whom you complained against, found you mentally ill, and there is nothing that this Court can do.

MISS WALKER: I was denied due process of law and I RT6 presented my cases.

May we argue along the lines of the memorandum?

THE COURT: No, Miss Walker. And may I say that that declaration that you filed in this court attacking a lawyer---

MISS WALKER: Mr. Belli is a criminal. He should be disbarred, sir. He should be disbarred.

THE COURT: --and attacking some other public official-- I will not mention his name.

MISS WALKER: All right. He should have been thrown out of office.

THE COURT: I on my own motion am going to strike this document as scurrilous and order that the complaint which you entitled, "Demand upon the American Bar Association to Disbar Melvin Belli"---

MISS WALKER: Demand upon the American Bar Association to Disbar Melvin Belli for Unethical Practices.

THE COURT: That hasn't anything to do with these proceedings. You have attacked a person who served his state and the legislature well for many, many years.

MISS WALKER: He did not serve his state well.

THE COURT: I strike it from the record. It is impounded and it will not subject -- if these remarks were made outside, they would be slander.

MISS WALKER: They are not slander, your Honor. They happen to be true.

THE COURT: --slanderous and libelous. Obviously it RT7 has nothing to do with these proceedings.

MISS WALKER: You are denying to me my civil rights as an American citizen under that flag.

THE COURT: I am not denying your rights as a citizen.

MISS WALKER: Under what statute do you refuse to hear this?

THE COURT: You speak of your rights.

MISS WALKER: My rights as an American citizen.

THE COURT: These other people have rights not to be---

MISS WALKER: They have no right to do anything like that to me.

THE COURT: --not to be slandered in the manner that you slandered them.

MISS WALKER: They can sue me if I slander them.

THE COURT: You filed it in a court proceeding. In any event, I deny your motion. You now have your remedy on appeal. If this is constitutional, and you say that the federal court cantake jurisdiction, it is up to the federal court. I say that I have no power to do it and I can not say any more. I am not going to spell out in detail why I don't have the power. I simply ---

MISS WALKER: May I know why you don't have the power? I want to know this.

THE COURT: I deny the motion, Miss Walker.

MISS WALKER: But why, your Honor? RT8

THE COURT: I am sorry that there was a finding of mental illness, but there is nothing---

MISS WALKER: There was no mental illness. The judge was a liar and he was an incompetent old man.

THE COURT: I can not substitute my judgment for his.

MISS WALKER: I am entitled to show that I was denied due process of law. I am entitled to show that the Welfare and Institutions Code was not complied with, which is true.

THE COURT: On the state ofthis record, you were not denied due process of law--

MISS WALKER: I was denied.

THE COURT: So that this Court could -- could set aside that finding.

MISS WALKER: I was denied. The record showed that I had no attorney; that he (CORRECTION: I) requested Mr. Belli and Mr. Belli appeared as a witness. This is in the handwriting of Dr. Reilly.

THE COURT: Well, Miss Walker, I am very sorry there was this finding, but there is just nothing I can do about it. I can not do it.

MISS WALKER: I am asking you to set aside a void order, an illegal order.

THE COURT: I have no such power.

MISS WALKER: And you are giving me no citation as to any reason why?

THE COURT: I give you no citation. I am very/ RT9
familiar with these proceedings because I happen to sit out at psychiatric court and---

MISS WALKER: You are violating the law probably doing that.

THE COURT: I doubt it.

MISS WALKER: These people have a -- well, you don't believe in the American Constitution.

THE COURT: Yes, I believe in the American Constitution.

MISS WALKER: You can't or you wouldn't do it. Well, I will try to go into the federal court. Will there be any more opposition by this Court?

THE COURT: I don't have anything to say about it. I have denied your motion.

MISS WALKER: I don't want to be heard in this court. I don't want anything to do with this Court.

THE COURT: All right.

MISS WALKER: I am talking about the whole Superior Court.

THE COURT: All right.

MISS WALKER: I don't want them appearing in federal court denying me a hearing there, because I am an American citizen and I am entitled to be heard. And this has never been heard, your Honor. This is the trouble. You won't go into it -- I mean, your court won't go into it.

THE COURT: You mean no judge of our Superior Court? RT10

MISS WALKER: Nobody in the court will go into it. There was never a trial; it was a railroading. It was a crime.

THE COURT: I am sorry it happened to you because-- but there is nothing I can do about it.

MISS WALKER: Well, Melvin Belli, I am not going to let him get away with it. I am not --

THE COURT: Protest to the American Bar. That is your responsibility. But the remarks that you made in this proceeding against him and against others, the things you said---

MISS WALKER: The remarks are true.

THE COURT: -- are not justified and you shouldn't do it.

MISS WALKER: Look what they said about me.

THE COURT: I am sorry, Miss Walker. You are not going to accomplish anything by using the type of language against these people that you did. I do not think you will accomplish a thing.

MISS WALKER: I intend to have this off in spite of you and everybody else.

THE COURT: If you should prevail, I assure you that this Court will not feel offended, if you should prevail. I simply said I do not have the power. All right.

MISS WALKER: Under what statute? You haven't tole me.

THE COURT: Under the law.

MISS WALKER: What law? RT11

THE COURT: Under the law.

All right. Call the next cases, Mr. McGuire.

MISS WALKER: I will appeal.

THE COURT: All right. That is your privilege.

--- RT12

JANUARY 14, 1965 -- 10:30 A. M.

THE COURT: Call th case, Mr. McGuire.

THE CLERK: In re Walker.

THE COURT: Miss Walker, you designate the proceeding as a motion for a new trial. It isn't a motion for a new trial. You have asked me to set aside a finding of mental illness that occurred way back in the '40's. I have indicated before that I have no jurisdiction to do so.

MISS WALKER: Your Honor, I have a final order that was issued on January (CORRECTION: June) 14-15, 1945, based on a collateral attack which was validly made. The order was recorded. Edmund Brown committed a forgery and set it aside by that means, and it could not be attacked unless it was attacked by a motion for a new trial or a motion to vacate, neither of which was done. The order became final. The order of June 14-15 set aside the December 20, 1939, judgment and it became a final order on August 15, 1945. And I have a document here which is a check from the State of California, and it reads, "In full settlement of claim for damages arising out of alleged erroneous commitment to Stockton State Hospital," and this was following three years of investigation by the California State Legislature.

Now, your Honor, my life is being ruined by this. I might as well commit suicide as let this matter continue any longer. Your Honor, the expungement (OMISSION: order) that I tried to make/ is (ERROR: omit is) good and I RT13
tried to do this in all good faith without any chicanery on my part at all, as has been shown in the public records here---

THE COURT: You have made some ---

MISS WALKER: With a copy of Edmund Brown's forgery.

THE COURT: You have made some rather terrible accusations against some people.

MISS WALKER: This is a very terrible thing to do, your Honor.

THE COURT: But, at any event, --

MISS WALKER: I had a final order and I am entitled to the benefit of this order of June --

THE COURT: Miss Walker, I have tried, and I wish there was some way in which any person who assumed that there had been a valid commitment, and we must assume from the record in this case a finding of illness---

MISS WALKER: You can't assume it, not based on the record.

THE COURT: Pardon me, Miss Walker. I wish it were possible that we were to assume in some other case where a person has been confined to a state hospital on a court commitment and has been restored, that you could completely expunge the record. I wish it were humanly possible.

You are not the only one in situations such as this. We have people who have been committed for a week or two and still have the --- RT14

MISS WALKER: Your Honor, your Honor, it was an unlawful commitment. It was no hearing. I was strapped to the mattress on the floor while Melvin Belli sat there and watched and lied about me. He had no witness (ERROR: right) to say anything. He was supposed to be my attorney. This is railroading. This is against the law. The law was violated. I came in -- the State Board at Sacramento was in a position of having been cheated, because I had no right to $1440 on a phony record. They gave me the evidence to go into court and to get this cleared off. I paid Andersen over $550 to get this matter cleared off. We got a valid judgment.

THE COURT: You write a letter to a court and you say, "If you do not decide my way, I am going to do this and this," and I wish to tell you that that amounts to an obstruction of justice.

MISS WALKER: I don't---

THE COURT: You can not threaten a judge in that way by saying, "If you do not do the way I tell you, I will threaten you with this."

Now, you have no right to do that.

Now, as far as I am personally concerned, it does not bother me at all, but you can not do that to a court.

MISS WALKER: Your Honor, I have a final order of June 14-15, 1945, that was recorded and no court could set aside that order the way it was set aside.

THE COURT: Well, it has been set aside as you suggest./ I have told you, Miss Walker, -- You seem to RT15
think---

MISS WALKER: It can't be set aside in that way.

THE COURT: You seem to think that I am callous to your problem. I am not.

MISS WALKER: The judgment was set aside, your Honor.

THE COURT: I sit in the psychiatric department of the Superior Court and I see the problems. I am well aware of the problems --

MISS WALKER: Your Honor, ---

THE COURT: --but there is nothing, Miss Walker, that I can do.

MISS WALKER: This judgment of December 20th, 1939, was set aside by an order of this court on June 14-15, 1945. That order became final. That order set aside the other judgment and I am entitled to the benefit of that order.

THE COURT: If you say it did, what do you want this Court to do?

MISS WALKER: Well, I have it right here---

THE COURT: What do you want me to do?

MISS WALKER: I want you to vacate Edmund Brown's forgery of June 25, 1945.

THE COURT: I will not characterize it as a forgery---

MISS WALKER: I have it here, your Honor. RT16

THE COURT: Miss Walker, I can not do that.

MISS WALKER: You can under Section (OMISSION: CCP 1916) and I have given you the citations.

THE COURT: Well, ---

MISS WALKER: The Court had no jurisdiction to act against a final order except on the motion system. No statutory proceeding was filed. It could not be set aside by stipulation.

THE COURT: If the court had no jurisdiction to act, you should have taken your appellate procedures at that time.

MISS WALKER: Your Honor, I don't have to. The proceedings are void. I have presented you---

THE COURT: If they are void, I don't have to do anything.

MISS WALKER: Yes, you do. I have a right to ask you to declare the June 25, 1945, (OMISSION: order) to be void, all subsequent proceedings to be void, the February 1st order to be void, leaving the June 25th (ERROR) 14-15, '45 order fully effective.

THE COURT: I do not have the jurisdiction--

MISS WALKER: Yes, you do, your Honor.

THE COURT: --so to do. And now, Miss Walker, all I am saying to you is, if you wish to take any action, you take appropriate action.

MISS WALKER: This means that I have--

THE COURT: Just a moment, Miss Walker. It is a violation of the law to threaten people through the mails. Now, I want to tell you that. And you have been doing things like that. You write threats through the mails and-- RT17

MISS WALKER: Your Honor,---

THE COURT: Pardon me, ma'am. Now I can take care of myself personally; I think I can. I do not like threats through the mails---

MISS WALKER: Your Honor, ---

THE COURT: And I would also say, through the mails, that you are violating the law because you are making certain types of statements through the mails. It is a violation of the law.

Now, I am not going to say any more. I have told you that I feel deep sympathy for people who have been involved in mental illness procedures.

MISS WALKER: I don't want sympathy. I was railroaded and deprived of my rights, your Honor, and I am entitled to the benefit of the June 14-15, '45 order, which became final.

THE COURT: I deny your motion which you characterize as a motion for a new trial. You have your appellate procedures; you may do what you believe is proper. But I will tell you, you should stop threatening people.

MISS WALKER: It is not a matter of threats, your Honor. It is a matter of getting my rights as a citizen of this country-- RT18

THE COURT: Miss Walker, Miss Walker, you get your rights through lawful channels. I have told you this Court does not have the power to grant you relief, assuming what you say is true, and I do not accept it as true. I can not. But even if it were, I do not have the power to do what you ask the Court to do.

MIWW WALKER: The June 14-15, '45, order became final. Did you deny this?

THE COURT: I make no more--The motion as you characterize it for a new trial is denied, and when I say I have sympathy for you, that you do not accept --

MISS WALKER: I don't want sympathy, your Honor.

THE COURT: -- I do not in any way want that statement to mean that I believe your statement against the new Governor is correct.

MISS WALKER: The Governor committed a forgery and I have the proof.

THE COURT: I do not believe that the Governor committed a forgery, but that is all right.

MISS WALKER: I shall most certainly appeal.

THE COURT: That is your privilege, Miss Walker, and if the appellate court reverses this Court, I take no pride of authorship; I still have sympathy, even though you do not want it.

MISS WALKER: I don't want your sympathy. I want justice and I am going--and I am not getting it. RT19

THE COURT: All right, Miss Walker. RT20

(Title of the Court and Cause - #18160)
STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) ss.

I, JOSEPH H. ALENT, do hereby certify that I am now and at all times herein mentioned, was the duly certified, appointed and acting shorthand reporter of said department of said court; and that as such reporter I attended the trial of the above-entitled cause and took down the said trial in shorthand; that the foregoing is a full, true and correct transcript of my shorthand notes so made of pages 1 through 30 thereof.

Dated: October 6, 1966. /s/ J.H.ALENT JR

(Note by Walker: Noted errors-omissions-corrections by Walker)